◆ NASA whistleblower tells how the Rogers Commission failed
◆ The time has come for National Service
◆ Nicholas Lemann on the New York intellectuals

The Washington Monthly

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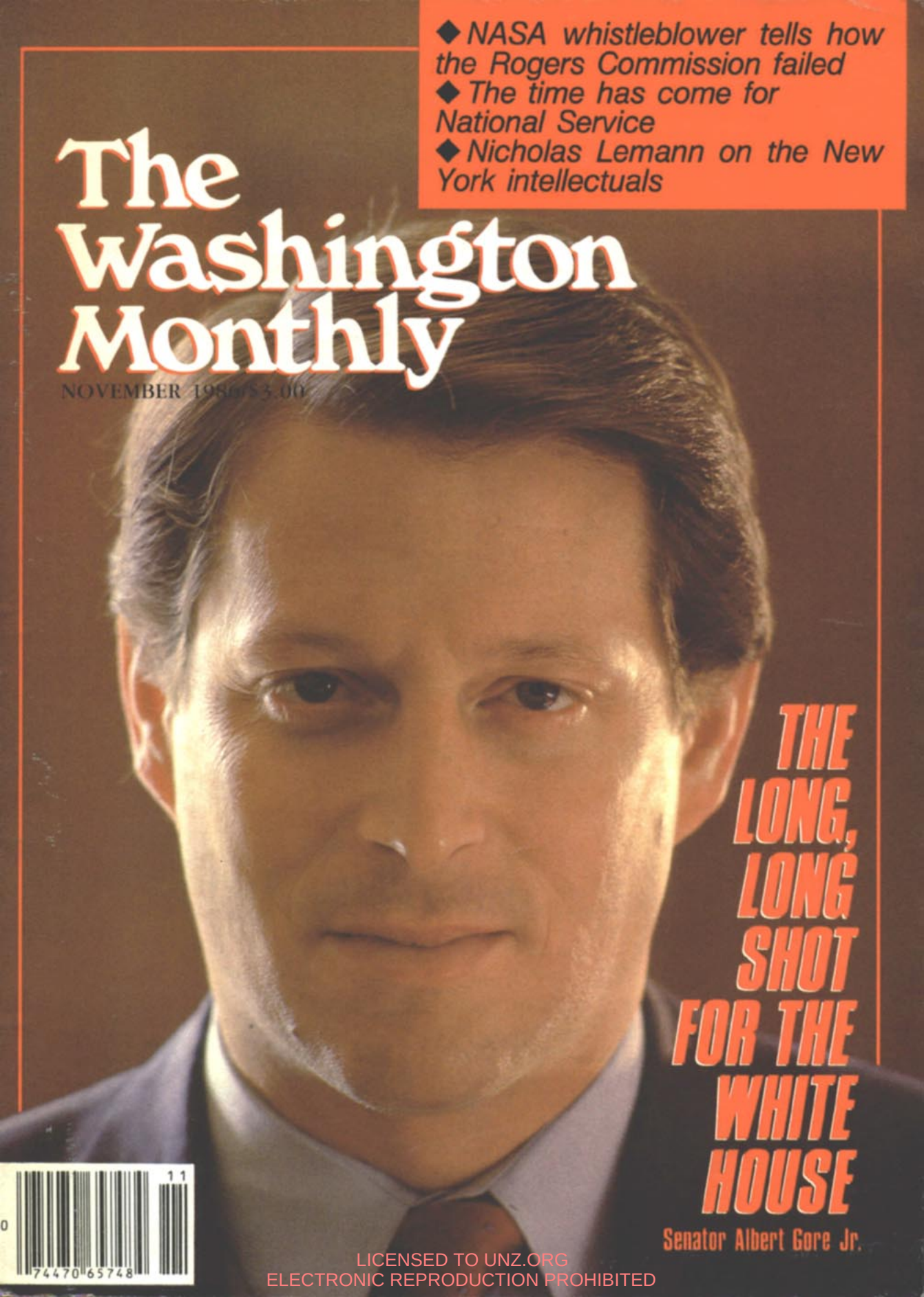

THE LONG, LONG SHOT FOR THE WHITE HOUSE

Senator Albert Gore Jr.

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LETTERS

Do leave home without it

Just read your story about your experience with Amex card ["Tilting at Windmills," September], and—for your records—I can add one not from last week, last month, or last year, but from 1967. I got so frustrated that I turned in my card to them; after that, they started demanding that I return my card!

Heartiest congrats on your resistance to the temptation of sleaze. Yes, I'd say it was attempted bribery. Deliver me! I haven't had an Amex card since '67, and never will.

RICHARD H. HUTZLER
Falmouth, Maine

Three cheers for your article about American Express. What outrageous conduct on their part. I wonder how many tens of thousands of people have risked ulcers trying to penetrate American Express's computer nightmare. I cut up my card six years ago. Here is one line from the letter I wrote at the time: "I no longer wish to be a cardholder in American Express. It is not worth the considerable time and the emotional turmoil of dealing with computers in a company where the human factor has long been zero."

BRENT ASHABRANNER
Alexandria, Virginia

I learned long ago that computers do not answer letters and that mechanical letter-openers discard everything but checks.

My solution has been to find a name on the first dunning letter. I write to that person or to the credit department of whomever I am dealing with. An envelope bearing the company's name goes automatically to the machine. One of my complaints of this marvelous Modern World is that we have lost the human touch.

EVELYN UMPHREY
Cranston, Rhode Island

Wayne who?

From "Damn You, Connie. You've Ruined Our Foreign Policy" [Marci McDonald, September]: "...a hockey game with Edmonton Oilers' superstar Wayne Gretsky (sic), to which the ambassador—who had to be briefed on Gretsky's (sic) identity...." Even given the extent of divorcement from reality of most politicians and diplomats, it is extremely unlikely that *any* Canadian would have to be told who Wayne Gretzky is. Ms. McDonald's hatchet job is bad enough (it reads, incidentally, like it was lifted directly from the pages of *The Washington Post*'s "Style" section—that's not a compliment) without accusing the ambassador of that inexcusable *faux pas*. Not only is it very probable that Mr. Gotlieb knew who Gretzky was, he probably also knew how to spell his name correctly.

RORY FORAN
Glen Burnie, Maryland

Vanna White's wheel

Nolo contendere to most of the observations about big-market local TV news in John Eisendrath's September piece, "Producer Kidnaps Councilman." But I believe the observant would note a difference in the style and even substance of the product once he focused beyond the Big-8 megamarkets.

News directors in cities like New York, Los Angeles, San Francisco, and Chicago are on record as consciously targeting their news to demographic levels even lower than the low common denominators sought by the New York *Post*, *People* magazine, and the like. Walter Jacobson to the contrary, the medium can tolerate subtleties of facts and issues. Public TV proves that daily. The problem is ratings-driven management that writes off any category of news deemed to distract from its overriding aim of delivering advertisers the biggest possible bulk of audience...whether sentient or otherwise.

Yet Chicago and New York TV are not really fair representatives of the commercial local news you'll see on many smaller-market stations, which often do constitute at least a partial alternative to a monopoly newspaper. It's here that a reporter does most of his own producing and research—by necessity if not choice; where a management more closely attuned, if not seriously committed, to that community, deals with substance as a given (to wit: KING-TV's three-hour prime time special last year on the economy of Washington state, which won my company's second DuPont award in as many years).

Eisendrath's most depressing observation, however, is an industry-wide fact of life: nothing a commercial news executive does or doesn't do can defeat a competing programmer who slots "Wheel of Fortune" or

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any of its escapist variants against his edition of real life (more or less).

TOM ACKERMAN
Washington, D.C.

The value of pecs

Had Malcolm Gladwell ["Fumbling on Reform," September] dug just a bit deeper he would have found that the recently arrived president of the University of Oklahoma was merely reiterating a joke first used by a predecessor some 35 years ago. Its original form was "We must build a school the football team can be proud of."

JOHN GEORGE
Edmond, Oklahoma

Malcolm Gladwell, referring to college football players, writes "that their brains are, in the long run, more important than their brawn," and argues that for a school to allow an athlete to pursue sports full-time is wrong. I am no athlete—they used to toss me around the locker room—but why this elite attitude?

The whole country seems preoccupied with "brains over brawn"—egged on by fad preachers heralding the "Information Society," as if overpriced newsletters will keep our planes in the air and our cars on the road. America needs carpenters, mechanics, truck drivers, and garbage collectors just as surely as it needs great thinkers.

While less than 1 percent of the athletes who complete a college football program make the pros, is the percentage of Juilliard graduates who make Broadway or the Met much higher? Dreams die hard in any field. And while it may sound cruel to thrust an athlete into the real world after four years of make-believe classes, is it really? Instead of cruising downtown, he'll have spent four years learning discipline, conditioning, how to perform under pressure, how it feels to excel, and how it feels to fail—lessons most of us take some trouble to avoid in our search for a life free of pain or jeopardy. And if he ends up delivering the chef's salad instead of iambic pentameter, perhaps some of the insight of the MFA waiting the next table will rub off.

An athlete can always get an academic education if he wants it. But big league sports is for the young. Let him play 49 hours a week if he wants to. No one is forcing him to suit up. Give him a Bachelor of Athletics and don't make him pretend he's a Renaissance man. And don't cut the programs back. If anything, there are too few opportunities for young people who don't care for academia.

The biggest problem facing sports today is media overcoverage that raises impossible expectations, and a double standard which tolerates and even expects a certain amount of decadence from most celebrities but vilifies an athlete at the first hint of human weakness.

DAVID ROSS
Bellevue, Washington

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Issues of the Information Age:

PROMISES KEPT, PROMISES TO KEEP.

At the beginning of this century, Theodore N. Vail, president of AT&T, understood his competition not just as other telephone companies, but as distance, loneliness, separation. He foresaw that the success of his company could end the geographic isolation of man. And, in ending that isolation, the company's success would be assured. The vision became reality: by the mid-'70s, America had universal telephone service.

Today, as the Information Age has begun, there is a new kind of isolation. People are awash in a mounting sea of information, yet unable to connect or work with information in an orderly, useful form; that is, with the world's knowledge. Often, information machines do little to help. They are difficult to use, rigid in their demands, generally unable to work with any but their own kind.

To overcome this new kind of isolation, we have a new vision: to make the Information Age universal, to help build a worldwide Telecommunity, not just open to all, but inviting.

At AT&T, we are now working toward the day when people around the world will be able to handle information in any form—conversation, data, images, text—as easily as they make a phone call today. And they will be able to get information in a form they can use, whenever they need it, from wherever it is.

We envision a vast global network of networks, the merging of communications and computers, linking devices so incredibly capable, they will bend to the will of human beings, rather than forcing humans to bend to theirs.

Obviously, no one company, no one nation, can universalize the Information Age. It will take the best minds of many companies and many nations. The needs of our customers are creating imperatives for our industry. We need common standards and compatibility. We need national and international policies that are open and encouraging. And we need to make information machines far easier to use.

We have the science to construct the systems now. The technology is rapidly taking shape.

We are dedicating our minds, our energy, our resources—our future—to making Telecommunity a reality.

To bringing the best of the Information Age to the world.

Our vision has its roots in AT&T's heritage of service. Just as the telephone extended the reach of the human voice, Telecommunity will extend the reach and capability of minds and talents.

Telecommunity is our goal. Technology is our means.℠

We're committed to leading the way.

AT&T

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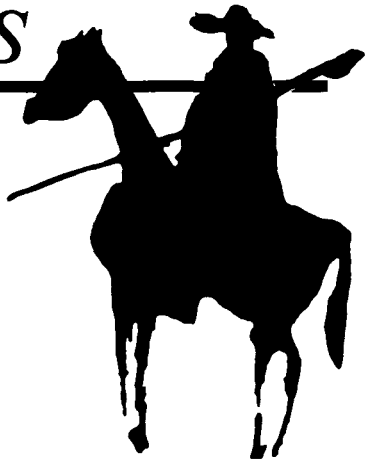
TILTING AT WINDMILLS



When Marvella Bayh first heard the news that her husband had been elected to the United States Senate, she exclaimed, "This means we get to go to Europe."

The opportunity to travel has become one of the central attractions of public life in America today. Officials have devised a rich variety of justifications for their junkets. Fact-finding missions are one excuse to get out of town. Another is conferences and conventions. Everyone is going. Even a tiny outfit like the Kentuckiana Regional Planning and Development Council, according to the Louisville *Courier Journal*, "spends thousands of dollars a year on travel for staff and board members, including visits to conventions of the National Association of Regional Councils, most recently held in New Orleans and Washington. The hotel bill for the New Orleans meeting alone totaled $3,400."

Mayor Marion Barry of Washington is a devoted participant in the affairs of many organizations that hold conferences and conventions, including the U.S. Conference of Mayors, the National League of Cities, the World Conference of Mayors, and the National Conference of Black Mayors.

In 1985 alone, reports *The Washington Post*, "The mayor traveled to Memphis, Tennessee, Hartford, Connecticut, Anchorage, Alaska, Cincinnati Ohio, Nassau, the Bahamas, Boston, and Seattle to attend functions held by these organizations." The mayor's expenses on such trips are not modest: for example, he spent $481 of the taxpayers' money for just one night at the Hyatt Regency in Memphis.

A 1984 trip by the mayor and his party to the Far East cost $42,000. The Mayor was given $2,000 cash for expenses. Six months later he accounted for this sum by saying he had spent $300 for "taxi fare, beverages, gifts, and entertainment," and $1,200 for "a business dinner in Korea." It's those business dinners in Korea you've got to watch. They can really add up before you know it.

But my Traveler of the Year award has to go to Betty Lou Dotson, the director of civil rights for the Department of Health and Human Services. During her five-year tenure, she has made 124 trips to 38 U.S. cities and nine foreign countries at a total cost of $86,868.

If you thought the mayor was kind to cab drivers, take a look at Dotson's record. She spent $6,840 in taxi fares on her foreign trips alone.

Dotson has been spending all this money during the very same years that the administration of which she is part has mournfully been assuring the aged, the poor, and the handicapped that there just isn't enough money to meet their needs. But you can't say Dotson is indifferent to the elderly. She has made 29 taxpayer-financed trips to her hometown of Chicago where her mother lives....

I saw a rerun of "The China Syndrome" last month. You will recall it was the 1983 film, starring Jack Lemmon and Jane Fonda, about a near catastrophe at a nuclear power plant. There is a line in it that I had forgotten and that subsequent history has made eerie in the extreme. It comes when Lemmon, an engineer at the plant, tells Fonda, a reporter: "We've got a quality-control system here that's only equaled by NASA."...

Back to taxpayer-supported travel for a minute. Members of Congress took 426 foreign trips last year. I'm sure you assume they visited the other most important countries in the world—Russia, China, and Japan—and such trouble spots as Lebanon and Central America. But four countries in western Europe came in ahead of Russia. China

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ranked ninth just behind Spain. And the Caribbean resort island of Barbados beat out Lebanon and every country in Central America....

My Redskins had just scored to go ahead of the hated Raiders 10-6. Then Napoleon McCallum, the former Annapolis star who is being allowed to play for the Raiders while serving in the Navy, grabbed the kickoff and returned it down the sidelines, escaping one Redskin tackler after another and heading toward the touchdown that would have defeated us. But never have I come closer to rooting for the other side, for I realized that if McCallum defeated the Redskins, all Washington would rise as one to oust John Lehman, the secretary of the Navy who had permitted him to play.

Lehman has been a disaster because he has wasted billions on surface ships we don't need instead of concentrating on the submarine and anti-submarine forces we really do need.

He was also wrong to allow McCallum to play for the Raiders. Anyone who knows life in the military knows that there can't help but be some favoritism in a policy that invariably manages to let McCallum off in time for afternoon practice and gives him 72-hour passes when the Raiders play away from home. General P.X. Kelly of the Marines showed a lot more wisdom in rejecting the request of Eddie Meyers, another former Navy star, to play for the Atlanta Falcons with the words "Lt. Meyers incurred his military obligation to his country when he sought and accepted a free four-year education at the Naval Academy and a commission in the Marine Corps.".. .

I would like to present The-Story-I-Wish-We-Had-Done Award to Susan Milligan of States News Service. We all know that lobbyists use free trips and speaking fees to bribe congressmen. But what about congressional staff? As anyone who knows Washington knows, the staff member is more likely to write the speech or draft the bill than the congressman himself. Do lobbyists lavish similar favors on him? We had looked at one staff member in 1975 and found that indeed they had not forgotten his birthday, but we didn't have the wit to extend our inquiries further. Milligan did.

Among her findings: there is no limit on how much in honoraria a staff member may accept. He doesn't even have to report it if his salary is less than $61,296—and there are a lot of people who make less than that who can change a key comma in a bill. Of those who have to report, William M. Diefenderfer, chief of staff for the Senate Finance Committee, got $14,250 in speaking fees, and M. Danny Wall of the Senate Banking, Housing, and Urban Affairs Committee got 30 trips, each in one year. My favorite is Arlene M. Wills, an aide to a California congressman, who got a trip to the Far East courtesy of the Republic of China-USA Economic Council, and 25 days in Ecuador paid for by Belco Petroleum....

McCallum, I forgot to tell you, was tackled by the last Redskin who had a shot at him, saving the game and Lehman's career....

It appears that Pat Robertson has joined the ranks of Richard Perle, John Lehman, and the other gutless hawks throughout the Reagan subcabinet who have never risked their lives for their country. Former Congressman Paul McCloskey, a man I have known for 20 years, and in whose integrity I have high confidence, has charged that Robertson used his father's pull as a United States senator to avoid combat duty in Korea. Robertson denies the charge, but the fact remains that he did escape the combat duty that awaited almost all other Marine lieutenants sent to Korea....

The Runner-Up in my Story-I-Wish-We-Had-Done Award goes to Mary Thornton of *The Washington Post*, where it appeared on the Federal Page, which, after years of unbelievable dullness, seems at last to be at least flirting with covering the bureaucracy with some wit and sophistication. Her article was about the Postal Service's $1.9 million executive jet that costs the taxpayers $820 an hour when it is used.

Thornton found that the jet had been used 21 times for trips from Washington to New York, even though commercial service was

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available every hour. "Other frequent destinations," she notes, "were Boston, Atlanta, Miami, Memphis, Dallas, and St. Louis"—all of which have frequent commercial service from Washington.

The acquisition was first discussed by the Postal Board of Governors on the same day Postmaster General Bolger proposed to increase the cost of postage stamps. So every time you plunk down your 22 cents to mail a letter, remember that you're helping pay for trips such as this one that Paul N. Carlin took when he was postmaster general:

"Carlin flew to New York with his wife Feb. 12, 1985, for a dinner meeting with *Forbes* magazine executives at a cost of more than $1,400. He reimbursed the government $58 for his wife's fare."

The irony of all this is that the Postal Service doesn't need *Forbes*, *Forbes* needs the Postal Service which gives *Forbes*—and *Forbes* alone among magazines that appear with less than weekly frequency—"red-tag service." That means that at no extra cost to *Forbes*, the magazine is delivered the day after it is published. Since it takes the Post Office one to two weeks to deliver *The Washington Monthly*—and the time is steadily increasing—you will understand why this particular flight drives me around the bend.

Carlin didn't have to take that plane to New York. Malcolm Forbes could have picked him up in his yacht....

"Mario Cuomo Emerges As Major New Voice in Democratic Circles," read the headline in *The Wall Street Journal*. Guess when the story appeared? After Cuomo's impressive speech at the Democratic National Convention in 1984? No, the story appeared on September 4, 1986. Where has the *Journal* been for the last two years?...

Cynics have suspected that the regional telephone companies, or Baby Bells as they are called, will use money from telephone customers to subsidize their non-telephone business ventures, and the customers could end up paying higher telephone rates to finance various diversification efforts by the regional companies. Now comes the first smoking gun. An audit has revealed that Pacific Telesis overcharged its customers by $13 million in order to support its non-telephone business....

The answer to the problem of drug addiction is that it has to be based on our success in reducing drunk driving, which has declined significantly in recent years. There have been two major factors in this development. First, tough penalties for the offender—meaning the user—including jail and loss of license. Second, drunkenness has been made to seem not only wrong but stupid and definitely not chic.

These days I am embarrassed when I pick up my second martini—and embarrassed is what I should be. And the more people who feel like jerks when they take drugs, the less drugs we're going to have....

I continue to think the tax-reformers, whom on the whole I admire, got their pants taken off by the rich on the issue of the top rate. 50 percent was a perfectly fair and reasonable top rate. And if a compromise had to be made to get the bill through, I think 38 percent would have been a lot better than 28 percent. In fact, 38 percent will be the rate on incomes over $90,000 during the transition year of 1987. Why don't we leave it right there, fellows?

You may have been surprised that so many Democrats sold out to the affluent. But there is growing evidence that the Democrats are just as dependent on the rich as the Republicans are. One interesting figure is that in the last year, contributions to the Democratic National Committee of $500 or more—the kind you and I can't afford to make—have more than doubled in the Washington area alone....

The headline over the full-page ad in *The Washington Post* reads "My Daddy Lost His Job." The ad is dominated by a photograph of a sad-faced but adorable little girl. She tugs at your heartstrings.

The ad is sponsored by Boeing and the subhead reads "America Needs the Space Station." The message is that the way to put Kathy's Dad back to work is to build the Space Station. It ends, "Write your Senator: Washington D.C., 20510, and your Congressman: Washington, D.C., 20515." If you would like to express your feelings about this kind of advertising, write Boeing,

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Seattle, Washington, 98124....

Word Publishing, a Christian publishing house in Waco, Texas, is distributing to religious bookstores the final report of the Attorney General's Commission on Pornography, which includes detailed descriptions of the plots of such masterpieces as "Deep Throat."...

A report, recently released by a House subcommittee, confirms what Ken Weiss told you in these pages in our February issue: faulty and fraudulent appraisals of real estate are a primary reason for the weakening financial condition of banks and savings and loans in recent years....

Do you find anything suspicious in this story? Robert H. Mendelsohn, an influential San Francisco politician, enthusiastically recommended James E. Clay, head of the District of Columbia Redevelopment Land Agency, for a job as the $87,000 a year head of the San Francisco Housing Authority. Clay was offered the job. Clay gave Mendelsohn's firm the right to build a $460 million project in the District. Then Clay resigned from his Washington job and accepted the one in San Francisco....

If you tend to sentimentalize about farmers as I do—both my mother's and father's are farm families—you will be shaken by a recent GAO survey of income tax returns that revealed farmers had underreported their subsidy payments from the federal government by an average of 80 percent....

The volume of mail sent out by congressmen has grown four times as fast as that sent by the rest of us during the last decade. It will amount, according to current estimates, to over a billion pieces this year. Since we have to pay for their mail, this is a problem we should attend to. I have a solution. Tell the congressmen the public will pay only for legitimate correspondence—individual letters about official business—not the mass mailings of newsletters that have become the preferred means of electioneering at taxpayer expense, and that have been the major cause of the huge increase in the volume of congressional mail....

The headline in *The New York Times* on October 1 read "New Home Sales Down for Fifth Straight Month." I have a simple solution for this problem. Make the mortgage interest deduction apply only to new

The Great Economic Secret is-

Land! It hardly figures into the usual economic analyses and programs, yet a Conference Board study estimates that land values are 23% of net domestic wealth in the U. S. - and this is a gross underestimate. Write us to find out why.

If land values were taxed, it seems likely that we could replace almost all the taxes now levied on workers and capital investors. What a boom that would create! And what a boon to the unemployed!

No wonder an Urban Land Institute research report concludes that the land value tax is "a golden key to urban renewal - to the automatic regeneration of the city; and not at public expense."

Tax wages or buildings and we'll have less of those things. Tax land values, and we can't have any less land, but owners will be encouraged to use their land more efficiently, thereby creating jobs.

For more on the Land Story (at no obligation) write-

CENTER FOR THE STUDY OF ECONOMICS
580 N. Sixth Street, Indiana, PA 15701

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houses. This will increase employment and bring down the cost of housing as the supply increases. People will still be able to sell existing houses, but only at reasonable prices that have wrung out some of the outrageous inflation of recent years....

As to why the rest of the media does not take up our crusade against the insanity of rent control, a hint may come from Paul La Rosa of the New York *Daily News*, who checked a building at Fifth Avenue and 96th Street and found that thanks to rent control Alistair Cooke of PBS and William Shawn of *The New Yorker* were both enjoying for only $950, the comforts of large apartments that had market rental values of $10,000 to $12,000 a month....

2.352 milliliters of Chikungunya virus is missing. Why should that concern you? Well, it happens to be missing from the Army's Bio-Warfare Research laboratory at Fort Detrick, Maryland, and it is deadly. Just the amount that is missing is said to be capable of infecting the entire human population of the world many times over. But the Army has lost it. This exacerbates my fear that the world will end, not because of malevolence in the White House or the Kremlin, but because of some fuck-up by the American or Soviet military....

Speaking of Pentagon fuck-ups—and I do wish for the sake of our more fastidious readers that a synonym existed other than foul-up, for which everyone reads the original anyway—the official who was in charge of counter-terrorism for the Pentagon at the time of the bombing of the Marine barracks in Beirut, has charged that military commanders ignored warnings that could have saved the lives of the Marines who were killed....

For years federal, state, and local officials have been afraid to tackle the problems of the public schools for fear of offending two powerful unions, the National Education Association and the American Federation of Teachers. But in recent years, dramatic progress has been made at the state and local level under the leadership of governors like Lamar Alexander of Tennessee, state school superintendents like California's Bill Honig, and local school officials like those in Los Angeles and New York City, and state legislatures like Connecticut's. By taking on the problem at the risk of offending the unions, these officials have succeeded so dramatically that even the unions' leaders—first Albert Shanker of the AFT and now Mary Futrell of the NEA—are supporting some of the reforms.

To me the most important of these reforms is the one often called alternative certification, which permits schools to hire bright people who know their subjects and can teach even if they don't have education degrees. The best private schools have always done this, but the unions used their muscle to keep the public schools from doing so. Now schools in New York, Los Angeles, Connecticut, and New Jersey, among others, are doing it. Of the 6,262 new teachers hired by New York City last year, 4,131 did not have education credits.

I think those state and local officials who took on the education unions are charting the path to the future. The public is ready to face real problems, even if it means taking on previously sacrosanct interest groups; even if it means the people themselves must make sacrifices.

The people are beginning to see through Ronald Reagan's patriotism that says all you have to do is wave the flag and pay lower taxes. They're ready for a challenge to their real patriotism—to their willingness to join together and make whatever sacrifices necessary to meet the real problems of the country.

That's why I applaud Timothy Noah's call for a national service, which is the way out of the spiritual desert that I promised you last month. National service is the only way we can meet the problems we face in cleaning up the environment, caring for the aged, educating the disadvantaged, and staffing the military with our best people. National service is also a way to restore community to a badly fragmented nation, to bring rich and poor together as I saw them in World War II, learning to understand and respect one another.

That was a key experience in my life. Another was the seven years I worked for the Peace Corps where my job was to find out what it was

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doing wrong, to rub the organization's nose in its errors, and in general to be the most negative thinker around. Knowing everything that was bad about it, I ended up believing in the Peace Corps, not just a little bit, but totally.

It is because of my conviction that we all must give up something if we are to solve the nation's problems, that I especially admire what Bruce Babbitt, the governor of Arizona, is saying these days. If Albert Gore is our long, long shot, Babbitt is our long shot candidate for president. This *New York Times* report of Babbitt's views makes clear why: "He has told union workers that economic reality might require them to take pay cuts, and he has told management that it should allow workers to share in profits when times are good. He thinks well-off Social Security recipients should pay a higher tax on their benefits, with the revenue going to increase assistance to the elderly poor."...

A recent study reported in *The New York Times* confirms the sad tale we have told you over the years about the fate of whistle-blowers. "The record is particularly grim in industry; not one of the industrial whistle-blowers we studied survived on the job." The record is, of course, little better in government, where civil service rules may save the employee's job but he will still find himself harassed and emasculated, with, as we pointed out last month, his tormentors unpunished.

But I am delighted to report the Nuclear Regulatory Commission may have discovered an answer to the problem. It recently fined the TVA for harassing a whistle-blower. The fine was far too little but it points the way. It is the threatened loss of budget—and most particularly the loss of jobs that follow loss of budget—that makes agencies ignore the whistle-blower. If you want to understand why NASA didn't want to face the warnings about the O-rings, all you have to know is that they dread such headlines as this recent one in *The Washington Post*: "Up to 1800 More Space Program Layoffs Expected." They fear the whistle-blower because his bad news might convince Congress that their program should be curtailed or—perish the thought!—eliminated. But what if they were to lose more—more money and more jobs—if they were found to have ignored the whistle-blowers? That would have been the lesson if the NRC had really socked it to TVA....

Pan Am's advertising for its new shuttle service promises better service than Eastern, but not lower prices. Since Eastern's fares are quite high, price competition would seem called for. But it isn't. Want to know why? Shuttle customers are on expense accounts. They don't care about the fare. This is the key to why inflation in so much of the service industry runs ahead of the rest of the economy. Those whose main customers are on expense accounts have no reason to hold the prices down....

The journal of the American Bar Association reports that one out of nine lawyers is a millionaire. And the other eight are not suffering. They have an average annual income of $121,913 and an average net worth of half a million.

Yet this is not enough for many of them. According to a recent article in *The New York Times* Sunday Magazine, the brightest are deserting the law and becoming investment bankers, for whom a million dollars is barely more than chicken feed.

Money is becoming the measure of all things. But it doesn't have to be. I was reminded of that by a recent article in *The New York Times* on FDR's closest aide, Harry Hopkins. When he left the government, he wanted to write a book about FDR, but "he had no agent, no big advances, no package deal," writes the article's author, Verne Newton. He did not feel, as most former White House aides seem to feel today, that he had an inalienable right to cash in.

With his contacts with world leaders, he could have gotten rich as Henry Kissinger and many others have, and as Michael Deaver was well on his way toward doing until he became a bit too obvious about it. Hopkins was virtually penniless when he died, but he had rendered important service to his country and mankind. To those rich lawyers and even richer investment bankers, he must seem a sucker. But as their own end draws near, I have a feeling they will wish they had followed his path....

—*Charles Peters*

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by Richard Cook

THE ROGERS COMMISSION FAILED

Questions it never asked, answers it didn't listen to

Editors' Note: Richard Cook was a budget analyst in the controller's office of NASA when the Challenger exploded. In July 1985, he authored an internal memo—later leaked to the press—that cited engineers' concerns that erosion of O-rings could have catastrophic consequences. He testified before the Rogers Commission about his memo and his knowledge of the solid rocket booster program. Cook now works as a program analyst in the U.S. Treasury Department. He also plans to publish a longer, more detailed analysis of the Challenger accident.

The praise was nearly unanimous for the commission set up by President Reagan to investigate the Challenger accident. "The Rogers Commission—The Presidential Commission on the Space Shuttle Challenger Accident—has served the country well," *The Washington Post* editorialized on June 10, the day after the report's release. "The Rogers Commission and its chairman have performed with unusual thoroughness and speed. Their report is a model of rigor, clarity and fairness," wrote *The New York Times*. William Rogers was "a leader who measured up to the tough job," trumpeted *USA Today*.

The report painstakingly documented the immediate cause of the accident—failure of an O-ring joint. It concluded that engineers' concerns about the cold weather were not relayed to those who made the final decision to launch because of a failure of communication. With some statements pointedly critical of NASA, the commission assured the public that it had thoroughly examined the blemishes of this long-revered agency. It stated, for example, that there was "a serious flaw in the decision-making process leading up to the launch."

But the Rogers Commission was also truly "flawed." The commission's final report absolves high NASA officials of any direct responsibility for the accident. Yet it ignores substantial evidence—some of it presented to the commission privately and some of it at public hearings—that those officials were fully aware of the long history of problems that led to the explosion. The commission left unchallenged statements by NASA officials that were contradictory and often obfuscatory. Indeed, at times the commission seemed to be coaching NASA witnesses on how to deal with tough public questions. On the key question of why the final decision to launch was made, the commission ignored so many suspicious coincidences and left so many questions unanswered that further investigations will undoubtedly be needed.

To the commission's credit, much of the information we now know about the launch and NASA's internal problems came out in the course of commission hearings, though much of it had already appeared in the press through news leaks. But the extent to which the commission avoided drawing obvious conclusions and asking obvious questions suggested by that evidence is remarkable. As James Beggs, the former administrator of NASA said in a recent interview with *The Washington Monthly*, the commission "looked at it from the bottom up but not from the top down."

'Not adversarial'

President Reagan's choice to chair the investigative commission was William Rogers, attorney general for President Eisenhower and secretary of state for President Nixon. Although Rogers had been in politics and government for

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three decades, he was known mostly for his capacity to quietly tolerate being passed over by President Nixon on important foreign policy issues. Rogers is a practicing attorney who one represented Lockheed, the company that coordinates the assembly of the shuttle. "We are not going to conduct this investigation in a manner which would be unfairly critical of NASA," Rogers said when the commission was announced, "because we think, I certainly think NASA has done an excellent job, and I think the American people do."

The selection of the commission's other members was equally questionable. Even though the commission was created to investigate NASA, its members were chosen by NASA. Acting administrator William Graham, according to the *Orlando Sentinel*, nominated commission members, most of whom were accepted by President Reagan. They were worthy choices in that most were familiar with space flight. But one might have wondered how aggressive the commission could be when seven of its 13 members had direct ties to NASA: an astronaut, a former astronaut, a consultant to NASA, a designer of the shuttle engine, the former director of the Pentagon's shuttle program, and an executive of one of the companies that serves as a subcontractor to NASA.

Of course, given the importance of the task at hand, it was entirely possible that this group would actively pursue the truth, regardless of how it might reflect on the space agency. The true test of its success was in how it investigated both the decision to launch the Challenger and the history of problems with the O-rings.

By February 6, the start of the commission's hearings, NASA's own internal investigation had already focused on O-rings as a probable cause of the accident, according to press reports at the time. But in that first hearing, NASA's top officials made no mention of the O-rings as a probable cause of the accident. Acting Administrator William Graham stated simply that "NASA continues to analyze the system design and data, and as we do, you can be certain that NASA will provide you with its complete and total cooperation." Associate Administrator Jesse Moore—the man who made the final decision to launch—said that in their search for a cause of the accident, "the status as of today, [is] we have reviewed some data, and our analysis does continue." He said that prior to the launch, his only specific concern was that low temperatures might affect the water systems on the launch pad, including those that allow technicians to wash out their eyes.

Judson Lovingood, deputy director of the shuttle projects office, told the commission that there had in the past been O-ring anomalies, but they had been "thoroughly worked" and that there had never been a case in which both primary and secondary O-rings had eroded. Arnold Aldrich, the national space transportation system director from Houston, one of the top officials involved in the shuttle, testified that "we had no concern for the performance or safety of the flight articles [orbiters, boosters, main engines, or fuel tanks] at that time, nor do I even at this time."

The next day, in a closed hearing the transcripts of which recently became public, NASA officials began to discuss their knowledge of the history of O-ring problems. Aldrich, the number-two man on the shuttle launch chain of command, told the commission that O-ring erosion "has been in discussion in the program at least during the last year" and that the worst case of erosion occurred in a cold weather launch a year earlier. On February 9, *The New York Times* published a story, based in part on a memo I had written seven months earlier, describing the history of O-ring erosion. The memo cited engineers' concerns at NASA headquarters that flight safety was being compromised by potentially catastrophic O-ring in-flight erosion. The *Times* mentioned several other supporting documents, including NASA analyses of the O-ring charring and engineers' reports stating that the back-up O-ring could not be relied upon. The documents showed the O-ring problems had been discussed at all levels of the agency. As it turned out, these were just the first sheets in a long paper trail of evidence that top NASA officials knew about O-ring problems.

With such news, one might expect the commission to have chastised NASA officials for not describing during the first hearing the seriousness of the past O-ring problems and for not correcting those problems prior to the last shuttle launch. Instead, it seems to have coached them on how to avoid embarrassment when the information became public.

In the February 10 closed meeting, after Jesse Moore had conceded the basic accuracy of the *Times* story, Rogers appears to have counseled him on how to handle potential tough questions about why the agency didn't correct the O-ring problems if they were aware of them. Rogers said to Moore. "Now, everybody recognizes that you are going to make mistakes in judgment, but at least you have to show that it wasn't done in a

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The commission's final report insisted that the top level officials who launched Challenger "were unaware of the recent history of problems concerning the O-rings and the joint." But evidence to the contrary is now abundant.

careless fashion and that there were meetings and you thought about it and who was there and things of that kind."

Rogers went on to suggest how Moore might want to answer allegations that the agency was lax in fixing what it had formally acknowledged it to be a serious problem. (In 1982, NASA had reclassified the O-ring seals from "criticality 1R," which meant there was a backup feature that would protect the shuttle from a failure of the main primary O-ring, to "criticality 1," which meant the back-up safety feature could not be relied upon to prevent catastrophe.)Rogers said: "We want to be careful that NASA doesn't suggest by [Solid Rocket Booster project director Larry Mulloy's] answer that nothing has changed [after the reclassification]. That would be a devastating comment. I think the answer to that is, 'We're not sure yet; that is what we're studying.' "

Another commission member, Maj. General Donald Kutyna, said to Michael Weeks, Moore's deputy, "My problem is *The New York Times* kind of problem. Here it says that Cook says it's going to be catastrophic, and here is another guy who says loss of mission, vehicle, and crew [the formal description of what would happen in the event of O-ring failure]. Somehow we've got to be able to explain in the open session tomorrow why this is different from what you said [that the O-ring problems didn't constitute a serious 'safety of flight' issue]."

At another hearing, after being told that Rockwell engineers had opposed the launch, Rogers said, "If Rockwell comes up in a public session and says, 'We advised NASA not to launch and they went ahead anyway,' then we have a problem."

Rogers had another problem of his own: *The New York Times* seemed to know more than his commission did about the history of the O-rings. Using language more apologetic than prosecutorial, Rogers gently encouraged NASA officials to be more forthcoming. "This is not an adversarial procedure. This commission is not in any way adversarial, and we hope that in the future, as much as it is humanly possible, when you think information has been developed that we should know about, that you will volunteer to give us that information."

Holding their breath

As testimony and press reports increasingly pointed to NASA's early knowledge of the O-ring problems, the commission became less and less protective. On February 11, Commissioner Richard Feynman of the California Institute of Technology demonstrated the problems with the O-ring by dipping one in ice water and showing it did not retain its resiliency. That dramatic act showed just how serious the O-ring problem was and how obvious it must have been to NASA officials. John Young and other astronauts also began to question NASA's management, attitudes, and actions. On Saturday, February 15, Rogers declared that the launch decision "may have been flawed" and ordered that an internal investigative body set up by NASA be reconstituted so as not to include anyone involved in the launch process.

After months of accumulating evidence—some of it uncovered by the commission—that showed that virtually the entire NASA bureaucracy knew about the O-ring problems, the final report insisted that the top-level officials who launched Challenger "were unaware of the recent history of problems concerning the O-rings and the joint."

The evidence to the contrary is now abundant. To start, there were the statements of Aldrich and Lovingood in the early hearings, the *Times* article, and my memo. During the February 11 open hearing, which the report does not even mention, Lawrence Mulloy told the commission that the April 1985 launch had caused erosion in the

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secondary O-ring, meaning the primary O-ring had failed completely. In addition, O-ring charring was a major agenda item on all Jesse Moore's monthly staff reviews during 1985, according to documents released by NASA. While at NASA headquarters, I worked almost daily with headquarters engineers who worked for Moore and had been deeply involved in review of the O-ring problems during 1984 and 1985. It was one of these engineers who told me in mid-1985 that they "held their breath" with each shuttle launch because of the O-rings, a statement I passed on to the press and the commission. The report also doesn't mention that I told them on March 28 that a top solid rocket engineer had been advised not to list O-ring charring on headquarters meetings as it was considered too sensitive an issue to put in writing. To assume that Moore never knew of the seriousness of O-ring problems means assuming, among other things, that he was oblivious to the activities and concerns of his own engineers.

While the Rogers Commission final report does mention the August 19, 1985 meeting at headquarters on the subject of O-rings, it doesn't mention that, according to testimony in July hearings before the House Science and Technology Committee, Moore's deputy, Michael Weeks, chaired this meeting and that Moore was briefed soon afterwards.

Remarkably, the commission concluded in its final report that "the O-ring erosion history presented to Level I [Jesse Moore] at Nasa Headquarters in August 1985 was sufficiently detailed to require corrective action prior to the next flight." Yet one chapter earlier, the report said that the top officials in NASA, including "Level I," didn't know about the O-ring history.

When questioned by the Rogers Commission on February 10 about his knowledge of the O-ring problems, Jesse Moore conceded that he knew earlier flights had shown O-ring erosion, but said he didn't think it was a safety of flight issue. That led Commissioner Sally Ride to ask, "What amount of erosion would have given you a problem to call it a safety of flight issue?" Weeks answered, "Sally, I don't think you should get the idea that we weren't deeply concerned about that first instance of the secondary O-ring erosion."

Although the commission refers frequently to Flight Readiness Reviews, it doesn't mention that it was normal NASA procedure for James Beggs and Arnold Aldrich—both cleared by the commission of any prior knowledge of serious O-ring problems—to attend Flight Readiness Reviews. These reviews regularly included discussions of the serious O-ring problems.

In addition, the commission ignored the roles of top NASA officials in making three critical decisions about the O-rings. In 1982, NASA upgraded the O-ring classification of seriousness from "criticality 1R" to the highest degree of potential hazard, "criticality 1." According to commission's report, "Level II" (i.e. Aldrich) agreed to the decision. Then, in August 1985, NASA decided that even though it had acknowledged that an O-ring failure could be catastrophic, the shuttle could "fly as is." The Rogers Commission report didn't mention that under normal NASA procedure William Lucas, the director of the Marshall Space Flight Center in Alabama, who was also cleared of any knowledge of O-ring problems, would have played a crucial role in making any such "fly as is" decision. Third, knowledge of the O-ring problems was so widespread and considered so serious that NASA, with the approval of the agency's top officials, had already begun testing an improved joint design. As *The New York Times* recently reported, the agency had even begun to order 72 new booster rocket casings to accommodate the new joint design that was being tested.

No further questions

The second major failure of the Rogers Commission was not determining why the launch was allowed over the protests of Morton Thiokol, the contractor in charge of the solid rocket booster. It concluded that those who gave final approval to the launch did not know that Morton Thiokol's engineers had recommended the launch be stopped for fear that cold weather would weaken the O-rings. For several reasons, the contention that none of the upper-level officials knew of Thiokol's Monday objections is difficult to believe.

The NASA launch procedure calls for decisions—and objections—to methodically follow a prescribed path up three levels. Stanley Reinartz, as the Marshall Space Flight Center's shuttle projects director, was on Level III. On Monday evening before the launch, he visited a motel room at the Merritt Island Holiday Inn just outside the Kennedy Space Center, in order to tell his superior, William Lucas, that there was going to be a teleconference during which they would prepare to notify Level II—Arnold Aldrich—about Thiokol's concerns. Lucas was the director of the Marshall Space Flight Center

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For five to six hours the morning of the launch, Reinartz and Lucas worked next to Aldrich and Moore, yet all parties claimed that not a word was spoken of the O-ring controversy that had consumed approximately ten hours of discussion the previous afternoon and night.

and reported directly to Jesse Moore. Also present was Lawrence Mulloy, the solid rocket booster chief, and James Kingsbury, the science and engineering director.

But Reinartz, the story goes, did not inform Lucas of the intention to go to Level II with Thiokol's O-ring objections. He says he just told Lucas that Thiokol had expressed some concern. Lucas said he merely asked to be kept informed. Reinartz says he didn't tell Aldrich or Moore any of this because he viewed Thiokol's expression of concern as a routine matter that had been "resolved."

By not discussing these concerns with Levels II or I, Reinartz would be going against instructions given by Jesse Moore earlier that afternoon to report back any constraints on the launch. Furthermore, if this was a routine problem, why did he visit the motel? And why did NASA require written approval from Thiokol's headquarters in Utah, an unprecedented procedure? Why did NASA officials put such pressure on Thiokol to consent, with one official uttering the memorable words: "My God, Thiokol, when do you want us to launch, next April?"

It's hard to believe that under those conditions Reinartz, a mid-level manager relatively new on the job, simply didn't think it was important enough to tell his superiors. It's also difficult to believe he would make such a decision on his own. Moreover, for five to six hours the morning of the launch, Reinartz and Lucas worked next to Aldrich and Moore, yet all parties claimed that not a word was spoken of the O-ring controversy that had consumed approximately ten hours of discussion the previous afternoon and night.

Although their description of events is hard to believe, it is also hard to disprove—in part because the commission was so timid in its questioning of witnesses. For example, at one point, Rogers asked Reinartz about the discussions at the hotel room:

Reinartz: "I discussed with them the nature of the telecon, the nature of the concerns raised by Thiokol, and the plans to gather the proper technical support people at Marshall for examination of the data. And I believe that was the essence of the discussion."

Rogers: "But you didn't recommend that the information be given to Level II or Level I?"

Reinartz: "I don't recall that I raised that issue with Dr. Lucas. I told him what the plans were for proceeding. I don't recall, Mr. Chairman, making any statement regarding that."

Then, just as Rogers had been getting at an important issue—what Reinartz told his superiors about the raging Thiokol debate—the chairman ended the discussion. No follow-up questions, such as, "Did you tell Lucas that the Thiokol objections were serious enough that the engineers had actually recommended not launching?" or "Did Lucas indicate that he wanted Thiokol to change its mind?"

Sometimes they elicited interesting information, but it was not used to draw any sterner conclusions. For instance, Rogers had scolded Lucas for giving a misleading characterization of what happened at the teleconference. "You're describing the telecon as though it were just sort of one of those ordinary things, and I don't believe that is accurate." Rogers asked Lucas why he didn't tell his superiors, Aldrich and Moore, and Lucas responded that he thought the issue had been resolved and that he was not part of the formal decision ladder. Rogers then asked a good follow-up question:

Rogers: "You had occasion, though, to talk to both Mr. Aldrich and Mr. Moore before the launch?"

Lucas: "Yes, sir."

Rogers: "And whether it was in the line of authority or not, you had ample opportunity to pass on the information that there has been serious concern about the seal, isn't that right?"

Lucas: "Yes sir, I had the opportunity to talk

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to them."

Rogers: "Okay. I have no further questions."

A cover up?

This compilation of contradictions and irregularities in the testimony of NASA officials might, by now, have raised the question in a few readers' minds whether these officials might intentionally have misled the public or the commission.

There is other testimony that reinforces the possibility that there was a cover up. For example, Allan McDonald, the Thiokol engineer who had objected to the take-off for safety reasons, testified that Lawrence Mulloy, the NASA official who aggressively pushed for the launch, had later tried to intimidate him. "Mulloy came into my office and slammed the door," McDonald said during the May 2 hearing, "and as far I was concerned, was very intimidating to me. He was obviously very disturbed and wanted to know what my motivation was—and I won't use his exact words—for doing what I was doing [cooperating with the commission].... He said...'As I understand it, you're giving information to the commission without going through your own management, without going through NASA and what's your motivation for doing that?' And I told him to calm down, that I didn't think I had to get a note from my mother or anyone to give anybody information, and I felt it was appropriate to give them information."

Commissioner Robert Hotz then asked, "Did you get the feeling that there might be some feeling on the part of the Huntsville [The Marshall Space Flight Center] people that they wanted to control this flow of information to the commission?" McDonald responded: "I got the feeling that was happening."

Then there is the letter written by a Marshall employee, signed, melodramatically, "Apocalypse." Such an anonymous letter should be read skeptically, though this one seems to have accurately predicted NASA officials' behavior. The letter's author, who displayed an intimate knowledge of Marshall managerial process and past booster rocket problems, gives a detailed description of a private meeting he claims was called by William Lucas at the Marshall Center, at which plans for a cover-up were laid out: "Under Phase I of the cover-up, information was to [be] withheld as long as possible then fed to the press piecemeal. It was reasoned that the longer the information could be covered up the better, as the course of world events would eventually tend to dilute the initial shock and public reactions.... Once data could no longer be held back, Phase II would be to present as much highly technical data as possible, letting the situation in the general public's mind be diluted by various conflicting theories which were sure to result. Stories were to be planted which would serve to shift the blame away from [Marshall Space Flight Center] to Thiokol and the contractors doing the processing at the Cape." The closest the Rogers Commission report came to reprimanding NASA for being less than forthcoming was the sheepish acknowledgement that "for the first several days after the accident—possibly because of the trauma resulting from the accident—NASA appeared to be withholding information about the accident from the public."

Pressure points

The biggest gap in the commission's report, however, is not its failure to explore whether there was a cover-up, but its failure to explain why there was so much pressure to launch that day. As former administrator James Beggs said, "the launch decision was made in the face of quite a lot of adverse conditions." In addition to Thiokol's concerns about the O-rings, other contractor engineers had objected that ice on the launch pad was at hazardous levels and that high seas jeopardized recovery of the re-usable solid rocket boosters.

But, as is well known by now, this was not a typical shuttle launch. For the first time in the history of the shuttle, Thiokol had to prove why NASA should *not* launch, rather than why it should. Thiokol engineer Allan McDonald, one of several witnesses who noted the difference in tone and behavior of NASA officials, recalled, "I've been in many Flight Readiness Reviews, and I've had a very critical audience...justifying why our hardware was ready to fly.... I was surprised that the tone of the [pre-launch] meeting was just the opposite of that. I didn't have to prove I was ready to fly.... In this case, we had to prove it wasn't ready, and that's a big difference."

NASA was usually extremely cautious about making decisions without examining previous experiences with similar actions. Yet on January 27, NASA hammered Thiokol for suggesting that NASA stay within past experience for O-ring temperatures. They had never before launched with temperatures below 53 degrees. The O-ring temperature on January 28 was 28 degrees. Before lift-off, Thiokol vice president Joseph Kilminster

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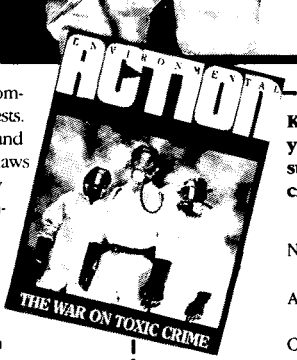

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signed the approval document claiming that a sufficient back-up system existed for the O-rings, even though having previously declared the O-rings "criticality 1" meant there was no reliable back-up. Kilminster signed even though all the Thiokol engineers recommended against the launch. As Thiokol engineer Roger Boisjoly said to the commission on February 14, "There was never one positive, pro-launch statement ever made by anybody."

Why was the pressure so intense?

At this point it is necessary to look at whether there was pressure arising from the public relations opportunity surrounding Christa McAuliffe and the Teacher-in-Space program. There has been widely reported speculation that a White House official, allegedly Chief of Staff Donald Regan, gave orders for Challenger to lift off, saying, "Tell them to get that thing up!" That report was angrily denied by Press Secretary Larry Speakes and has never been proven.

But even without a direct order, the timing of the State of the Union address created pressure, either from the White House or within NASA, to launch quickly. NASA has always been public relations conscious, and the Teacher- and Journalist-in-Space programs provided the most recent opportunities to rally public support around the programs. At the same time, NASA was becoming increasingly sensitive to media criticism of past launch cancellations and the suggestion that NASA could no longer perform well. In an interview with *The Washington Post* after the launch, Kennedy Space Center Director Richard Smith indicated that pressure from the news media had a powerful influence on the atmosphere in which its launch decisions were made.

The Teacher-in-Space flight was originally scheduled to end by Tuesday, January 28, the day of the State of the Union address. A one-day delay was introduced in December, which would have meant the flight would still be in orbit when the speech was given. Because of several subsequent delays, Challenger did not launch until the day of the State of the Union address.

It is fairly well-known by now that NASA submitted flowery language about the Reagan Teacher-in-Space program for use in the State of the Union address, but it's worth rereading to see just how wonderful a public relations opportunity they saw in that Challenger flight:

"Tonight while I am speaking to you, a young secondary school teacher from Concord, New Hampshire, is taking us all on the ultimate field trip, as she orbits the earth as the first citizen-passenger on the space shuttle.

"Christa McAuliffe's journey is a prelude to the journeys of other Americans and our friends around the world who will be living and working together in the permanently manned space station in the mid-1990s, bringing a rich return of scientific, technical, and economic benefits to mankind.

"Mrs. McAuliffe's week in space is just one of the achievements in space which we have planned for the coming year."

The White House, including Speakes and Patrick Buchanan, the communications director who prepared the speech, said this submission was "filed and forgotten," and that the State of the Union address contained no reference at all to the teacher in space. That is hard to believe. Is it really likely, given the White House's personal involvement in the Teacher-in-Space program, that President Reagan was not even going to mention that Christa McAuliffe was orbiting in space as he stood before Congress? Shouldn't the Rogers Commission at least have interviewed Patrick Buchanan about the speech and requested a copy of the different speech drafts?

There is another detail that has not been discussed in the press so far and was barely addressed at all by the Rogers Commission: the peculiar cancelation of the scheduled Challenger launch the preceding Sunday. Here again NASA followed a procedure unprecedented in its history. Because the weather at Cape Canaveral is notoriously unpredictable, astronauts will board the shuttle even when bad weather is forecast in case the weather changes. But in this case NASA officials canceled the flight Saturday night because bad weather was predicted for the next day. The astronauts never boarded. As it turned out, at launch time, Sunday, it was sunny and warm, so warm that the O-rings probably would not have leaked had the launch occurred that day.

Why then was the launch canceled that Saturday night instead of Sunday at launch time? One possible explanation might relate to a technical requirement that the commission did not discuss. Because loading and unloading fuel creates extreme shifts of temperature in the lines to the fuel tanks, thereby putting tremendous stress on the insulation, NASA has a requirement that fuel may not be loaded and unloaded more than twice in a 48 hour period. If they had fueled up on Sunday, instructed the astronauts to board, and then canceled, they could then try again Monday. But if that failed they couldn't try again until Wednesday. So, by canceling the launch on Saturday before they had fueled up, they

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The most striking aspect of the Rogers Commission's investigation into the possibility of White House pressure is that they never interviewed anyone from the White House.

increased the chances that the shuttle would be in the air by Tuesday night, when Reagan delivered the state of the union address.

Rep. Don Fuqua, the chairman of the House Science and Technology Committee, who was at the Kennedy Space Center Saturday night, said the desire to get the shuttle up before Wednesday was a factor in canceling Saturday night instead of Sunday morning, but he said that was because another delay might affect the flight schedule of the Galileo, the Jupiter probe scheduled to be launnched on the Challenger in May. But the Galileo explanation rings hollow, because NASA officials testified that there was a two week buffer period before shuttle delays would start affecting Galileo's schedule.

This may seem somewhat speculative, but the questions raised are certainly ones the commission should have asked and attempted to answer. The decision to cancel was so out of the ordinary that even former administrator Beggs thinks the commission should have asked about it. "That was a bad decision," says Beggs of the Saturday night decision. "The commission ignored or did not wish to address why did they launch [Tuesday] and why didn't they launch when the weather was good."

One person the commission should have called to testify about the Saturday night cancellation is William Graham, then acting administrator of NASA. Not much attention has been given Graham because he was not involved in the normal decision loop for flights and had become acting administrator only one and a half months earlier. Graham, who has since been confirmed as the president's science adviser, had come to NASA to help supervise the agency's involvement in the Star Wars program. Beggs strenuously opposed Graham's appointment because he had no prior space program experience. Although it seems probable that Graham did not know of Thiokol's objections on Monday night, his involvement in the decision to launch may have been critical, for if there was political pressure from the White House, it probably came through Graham.

Rep. Fuqua said in a recent interview that on Sunday, January 26, Graham told him that he took direct responsibility for the unprecedented weather-related Saturday night cancellation, somewhat unusual given his previous lack of involvement in launch decisions. In addition, when Graham sent Rep. Ed Markey records of his phone conversations prior to the Tuesday launch he excluded any calls he had made during that weekend. There were likely to have been some White House calls since Vice President Bush was scheduled to attend the Sunday launch. The phone records released did include two calls to White House personnel, one to Richard Davis, the NASA liaison, and one to Alfred Kingon, the cabinet secretary. Why weren't Davis or Kingon interviewed or called to testify about the calls?

In fact, the most striking aspect of the Rogers Commission's investigation into the possibility of White House pressure is that they never interviewed anyone from the White House. Instead, they contented themselves with asking NASA officials whether they had felt any pressure.

The Rogers Commission, then, failed on three major counts. First, it didn't hold NASA's top officials responsible for not acting to guarantee flight safety when they knew about the long history of O-ring problems. Second, it never determined who was really responsible for the decision to override Morton Thiokol's objections to the launch. Third, and most important, it failed to answer the question—in many ways it failed to even ask the question—of why NASA officials behaved so differently regarding that launch. What possible pressures were acting upon them to cause them to send up a space shuttle that they knew could explode? Unfortunately, the Rogers Commission has not done its job. It's time that Congress did. ■

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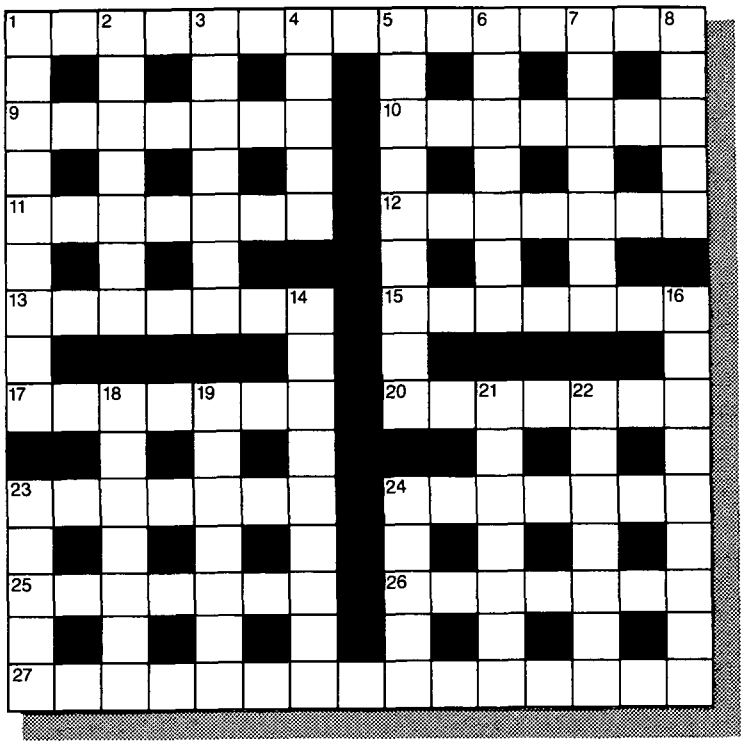
POLITICAL PUZZLE

by John Barclay

The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word.



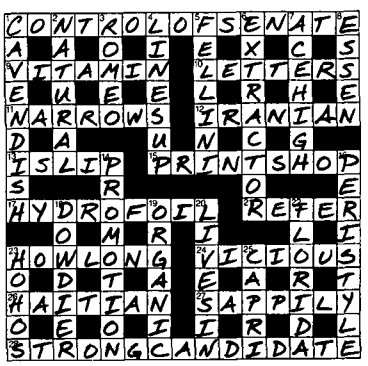
ACROSS

1. Rarely find Senate alone for major policy matter. (8, 7)
9. Waved prime Virginia bat. (7)
10. Baseball team displayed a stripe. (7)
11. Not participating is OK in funny lingo. (7)
12. Bring up disorted tale about Eve. (7)
13. Donkey sits uncomfortably for baseball figures. (7)
15. Odd, odd garnets. (7)
17. Band around Castile. (7)
20. Made up safe Democratic libels. (7)
23. Actress who is possessive and 50-51. (7)
24. In a way its card is extreme. (7)
25. Certainly not left off! (5, 2)
26. New Hampshire town managed CIA loan. (7)
27. Earthquake, for example, strains dual rate badly. (8, 7)

DOWN

1. Mixed beans around rising lava at military site. (5, 4)
2. Piper's sons' instruments? (3-4)
3. Nothing rising awkwardly for sources. (7)
4. Layer product. (2, 3)
5. Freedom right indeed is sad. (9)
6. Held back in favor of refrigerator, for example. (7)
7. Bottom line when New England Giant is controlled. (3, 4)
8. Follow you in four directions. (5)
14. Locates in modified furniture type. (9)
16. Comfortable retreat makes Syria ache. (4, 5)
18. It's late for that gin mixture. (2, 5)
19. Satellite rattles weirdly. (7)
21. Move North Africa to be Luigi's Northern neighbor. (7)
22. Hunt around inside the carpet for number fan. (4, 3)
23. Moon around end of November is not bright one. (5)
24. Asian city produces idle hydrogen compound. (5)

Answers to last month's puzzle:



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HARPER'S INDEX

Interest payments on the federal debt that were made to foreigners in 1984 : $19,800,000,000
U.S. foreign aid in 1984 : $15,583,000,000
Hours spent on strike by Italians in 1979 : 192,700,000
In 1984 : 51,000,000
Rank of Italy, Argentina, and Libya in annual per capita pasta consumption : 1, 2, 3
Pounds of pasta the average American ate in 1975 : 6.8
In 1984 : 11
Number of Americans who drink Coca-Cola for breakfast : 965,000
Quarts of ice cream the average Southerner eats each year : 12
The average New Englander : 23
Potholes in the United States : 55,961,000
Cost of having a car blessed at the Daishi Buddhist temple in Kawasaki, Japan : $10.77
Cost of a car wash at Steve's Detailing in New York City : $145
Percentage of American women who said they liked sports cars in 1976 : 39
Who say that today : 56
Percentage of American men who say they sleep in the nude : 19
Percentage of American women : 6
Copies of *Bride's* bought by the magazine's average reader : 7
Percentage of black high-school graduates under 25 who are unemployed : 26.8
Percentage of white high-school dropouts under 25 who are unemployed : 26.2
Amount South Africa spends to educate the average white student each year (in rand) : 1,385
The average "colored" student : 872
The average black student : 192
Number of Jews permitted to emigrate from the Soviet Union in 1979 : 51,320
In 1984 : 896
Number of Americans who emigrate each year : 100,000
Percentage of New York City children who live below the poverty line : 40
Average age at which American girls began to menstruate in 1900 : 14.3
In 1984 : 12.9
Percentage of American obstetricians/gynecologists who have been sued for malpractice : 67
Number of Americans who have been killed on the job by robots : 1
Number of Americans currently frozen in the hope of one day coming back to life : 11
Number of Americans holding reservations with Pan Am for a trip to the moon : 90,002

Figures cited are the latest available as of April 1985. Sources are listed on page 74.

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MEMO OF THE MONTH

47138

Federal Register
Vol. 50, No. 220
Thursday, November 14, 1985

Presidential Documents

Title 3—

The President

Memorandum of November 5, 1985

Determination Under Section 504(d) of the Trade Act of 1974

Memorandum for the United States Trade Representative

Pursuant to section 504(d) of the Trade Act of 1974 (19 U.S.C. 2464(d)(1)), I have determined that imported hot air popcorn poppers are 1) "like" hot air popcorn poppers produced in the United States on January 3, 1985 and 2) "directly competitive" with hot oil popcorn poppers produced in the United States on January 3, 1975 and are thus ineligible for a waiver of the competitive need limit pursuant to section 504(d).

You are hereby directed to publish this determination, together with a public notice of determination, in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, November 5, 1985.

[FR Doc. 85-27312
Filed 11-13-85; 9:38 am]
Billing code 3195-01-M

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Bell Helicopter's lawyers are indemnifying the defense industry

HOW THE COURTS PROTECT CONTRACTORS WHOSE WEAPONS KILL G.I.s

by Mark Thompson

On May 26, 1981, the main rotor blade of the Bell Cobra helicopter that Army Major Douglas Dowd and Navy Lieutenant Robert Ellis were flying snapped off and buzzsawed through the cockpit, killing them both. Dowd and Ellis were added to the list of some 250 U.S. servicemen killed over the past 20 years in nearly 70 accidents aboard similar Bell helicopters. The crashes were linked to a phenomenon known as "mast bumping," which occurs when Bell's patented, two-bladed rotor see-saws excessively as it spins, snapping the mast that fastens the rotor blade to the rest of the helicopter.

Alerted to the long-standing and never-fixed mast problem that killed their husbands, the pilots' widows filed suit against Bell Helicopter Textron, Inc., contending the company should have done more to guard against the crash. After a three-week federal court trial in early 1985, the jury sided with the widows and awarded them $3.65 million in damages. Bell appealed that verdict to the trial judge, who, in a sternly-worded order, upheld the award as just.

But then Bell appealed to the 4th U.S. Circuit Court of Appeals. In the jury trial, Bell had argued mainly that there was nothing wrong with its design, and that the crash was the fault of the pilots. It also had tested out a new argument, an argument that it emphasized in its appeal to the 4th Circuit: Bell maintained that responsibility for its own design of the rotor system, regardless of its merits or flaws, rested solely with the U.S. government.

Mark Thompson, who covers defense for Knight-Ridder newspapers, won the 1985 Pulitzer Prize for Public Service for his coverage of Bell's mast bumping problems for the Fort Worth Star-Telegram.

In May, the appellate court agreed that responsibility for the design, and the liability for it, shifted to the government once the Pentagon approved Bell's blueprints—even though Bell retained an active patent on the rotor system at the time of the crash and therefore clearly still claimed the design as its own.

Deputy Secretary of Defense William H. Taft IV wasn't fazed by the ruling of the 4th Circuit. "There is a system of compensation for people in the service and their survivors that is designed to provide compensation for them," Taft said the morning after the 4th Circuit's decision. "None of this is to say that the government doesn't have a remedy against a contractor for defective equipment."

But the Pentagon rarely exercises its available remedies against contractors, including simply buying elsewhere; after two decades of accidents, the military is now *paying* Bell millions of dollars to reduce the chances of mast bumping—even though it knows that Bell's top lawyer urged his company to pay for the fixes itself years ago.

In addition, government compensation for accidents cannot serve as a spur toward safer designs since it is awarded regardless of fault and paid by unwitting taxpayers. The roughly $800 monthly that Mrs. Dowd and her children now receive from the government is not likely to prod Bell to correct design flaws; repeated multimillion dollar jury verdicts against Bell might.

Unfortunately, the 4th Circuit's decision to overturn the jury verdict isn't unprecedented. It traces a furrow plowed, with a strong push from the nation's defense contractors, by other federal appellate courts. With those courts' quiet but growing approval, the defense industry—in a torrent of seemingly mundane legal briefs staking

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Bell and Army officials knew years ago of the helicopter's fatal design problem. Neither fixed it. If both are immune from liability, then the only one left with any real incentive to save the fighting man's neck is the fighting man—or his survivors.

out a novel legal theory—has shirked responsibility for what juries repeatedly have ruled are ill-designed weapons.

As a result of these new legal arguments, servicemen are on the verge of losing their right to sue contractors if they believe they have been injured by a poorly designed weapon. That doesn't mean they can turn around and sue the military: a 1950 Supreme Court decision prevents them from suing the government, primarily because of the corrosive effect such lawsuits could have on military discipline. The contractors' novel theories soon may be tested before the Supreme Court. If they're upheld, defense contractors rarely could be held responsible for their own design flaws.

Springing into inaction

Over the past three years, defense contractors have convinced five of the six appellate courts ruling on the issue that liability stemming from poor design of the nation's arsenal rests with the Pentagon once the government signs off on a contractor's blueprints.

The sole contrary decision is now before the Supreme Court. Last December, the 11th Circuit Court interpreted the evolving "government contractor defense" more narrowly than the other five courts and upheld an $841,000 jury award to the family of an aviator killed in the crash of a Navy A-6 plane designed by the Grumman Corporation. Later this fall, after all interested parties have filed briefs, the Supreme Court will decide whether to review the 11th Circuit's decision.

The chance that the Supreme Court might allow the 11th Circuit's decision to stand has electrified the nation's defense contractors. In April, more than 1,500 of them joined in a friend-of-the-court brief asking the high court's justices to affirm, once and for all, that defense contractors are not responsible for the design of their weapons once they receive the U.S. government stamp of approval. "If a manufacturer of a military weapons system can establish certain facts regarding the military's role in the design or approval of the weapons system, the federal courts must not second-guess the military's design decisions," says the brief, which was drafted by the same four attorneys who wrote Bell's winning petition in the 4th Circuit appeal. The 11th Circuit's ruling, they wrote, "would endanger the close working relationship between the military and the manufacturers of weapons systems that is essential to the preservation and advancement of national defense."

Joining the contractors in supporting a broader government contractor defense are their insurance underwriters, who stand to lose millions of dollars if the 11th Circuit's ruling is upheld, but who stand to reap a windfall if a risk for which they have already pocketed premiums is reduced.

Bell has long known that its teeter-rotor system is susceptible to mast bumping. The physics of helicopter flight requires Bell's see-saw design to have free-floating blades. Vigorous maneuvers, adverse weather, and mechanical problems can all trigger the excess "flapping" of the blades that slams the underside of the rotor hub into the mast, almost always snapping the mast and the blades off.

The first known mast-bumping accident occurred in 1965, when an Army pilot was killed shortly after he left the Bell plant aboard a new helicopter. In 1970, an El Paso, Texas jury found the company liable for its "unreasonably dangerous" rotor design and ordered Bell to pay the serviceman's family $600,000. The ruling was upheld by a state appellate court.

By 1973, the Army had noticed a trend in the way Bell helicopters kept plummeting from the skies over Vietnam and elsewhere. Despite Bell's claim that pilot shenanigans were causing most mast bumping, an Army study revealed that more than half of the mast-bumping accidents

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occurred when the helicopters were in "normal cruise flight." A top Army safety official issued a written recommendation urging that no more Bell teeter-rotor helicopters be bought by the military. "The manufacturer has committed an error in design," he asserted. Bell protested, insisting that so long as pilots flew the helicopters properly, such accidents would not happen. The head of Army aviation, General William J. Maddox Jr.—who in 1983 went to work for Bell—bought the company's explanation and overrode the concerns of his safety experts.

Agreeing that mast bumping just might be the result of pilots pushing their helicopters beyond their designed capabilities, Bell and the Army toyed for the next few years with several fixes that would protect Army pilots and their passengers from mast bumping—for which Bell accepted a string of lucrative Pentagon contracts. As the number of mast-bumping accidents mounted, Bell engineers designed a hub spring that could help prevent the problem and applied for a patent for the device in 1978.

A year later, George Galerstein, Bell's top lawyer, told his company's top executives in a one-page internal memo that they should push for the hub spring's installation aboard all UH-1 Huey helicopters in the Army fleet. "I consider this matter to be very serious and, if we do nothing about it, very likely to be the subject of attempts at punitive damages," Galerstein wrote. "The purpose of this memo is to encourage management to actively support the rapid development of this invention into production and retrofit on the UH-1 fleet; preferably, of course, with Army funds.... I am as sure as one can be in the product liability field that such a course of action will be of considerable benefit to us. We should immediately file an ECP for this purpose."

An ECP is an "engineering change proposal" that must be submitted to and approved by the military before any changes in its equipment can be made. Yet despite the urgent tone of Galerstein's memo, Bell's management ignored his plea. "As far as I'm concerned, the company listened to me and did what they could," Galerstein said in 1984. However, he acknowledged that Bell never filed an ECP to correct the problem—the sole recommendation in his memo.

In the summer of 1983, 18 years after the first recorded Bell mast bumping accident, a respected pilot, Major Larry B. Higgins, lived through a crash—the first ever to survive. His story, that neither he nor his fatally-injured co-pilot were doing anything wrong when the rotor blade slashed through their cockpit, gave the Pentagon the first and only eyewitness challenge to Bell's longstanding claim that pilot error usually triggers mast bumping. His statements focused attention on the mast bumping problem, and led the press to conclude that both Bell and the Army had failed to deal adequately with it.

That uproar sparked an independent Army investigation. In July 1984, the investigators recommended nearly two dozen changes to help curtail mast bumping. The Army chief of staff grounded hundreds of helicopters until stronger masts were installed. Immediate production of the hub spring that Galerstein had secretly urged five years earlier was the central recommendation, yet production of the springs has only just started.

Shattered dreams

Since losing the 1970 jury verdict, Bell and its insurance carrier, a syndicate at Lloyd's of London, had avoided juries by paying handsome out-of-court settlements in an unknown number of other cases. But the publicity kicked up by the Army probe compelled Bell to stop settling out of court, as plaintiffs started demanding larger out-of-court settlements.

So the Dowd-Ellis case, mentioned above, led to the first mast-bumping trial in 15 years in January, 1985. Arguing Bell's side as the case wound its way through the trial and appellate courts was a corps of Bell attorneys led by Galerstein, as well as a heavy-hitting roster of outside legal talent: the Fort Worth firm of Brown, Herman, Scott, Dean & Miles; the Baltimore firm of Semmes, Bowen & Semmes; the New York City-Los Angeles firm of Mendes & Mount; and the Atlanta firm of King & Spaulding.

Presenting the widows' case was John H. Green, an Odessa, Texas attorney who was selected because the sister of one of the widows had worked as his secretary.

Bell's argument that there was nothing wrong with its helicopter design and that the accident was the pilots' fault didn't sway the jury. Nor did its arcane legal theorizing that the company wasn't responsible for its own design.

Bell's "government contractor defense" had been built on a 1983 landmark decision by the 9th Circuit Court, which held that servicemen require less safe equipment than the public they protect. "Their reasonable expectations of safety are much lower than those of ordinary consumers," that court had ruled in a 2-to-1 decision. "To regard them as ordinary consumers would demean and dishonor the high station in

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Bell Helicopter asked the court to order the widows to pay Bell $48,879.53 in fees and expenses incurred during the trial, including a $9,000 hotel tab racked up by Bell's top three lawyers.

public esteem to which, because of their exposure to danger, they are justly entitled."

Judge Arthur L. Alarcon dissented bitterly from his colleagues' opinion, warning that their decision would lead inevitably to less safe military equipment. He charged that responsibility for safe weapons must be shared by the Pentagon and its contractors, and, if necessary, enforced by the courts. "Just as the military can make any parachute packer take one that he has just folded and make him jump with it, (I) would require that (the contractor) stand behind the products for which it voluntarily contracts and provides at a profit," he wrote.

Despite Alarcon's arguments, the majority held a defense contractor could be immune from suit if four conditions, all of them highly subjective, were met: the government is immune from suit (as it almost always is under the 1950 Supreme Court ruling); the government established or approved "reasonably precise" specifications for the weapon's design; the weapon conformed to those specifications; and the contractor warned the government about dangers associated with the weapon's use.

Bell argued that in its case all four conditions had been met. Though it had never given the government Galerstein's warning and had never filed an ECP, Bell maintained that the fourth condition was fulfilled because the crashes themselves constituted sufficient warning to the government that there were dangers associated with the helicopter's use.

But the jury disagreed. Following the decision, a juror said the panel had searched in vain for a clear and unmistakable warning of the mast bumping problem from Bell to the Army. "We really did try to give Bell the benefit of the doubt," she said. "We were looking for something to exonerate them."

But Bell also had a different, more subtle defense to test, a defense it emphasized when it filed a motion with trial Judge Edward S. Northrop to overturn the jury's verdict and $3.65 million damage award. The company said the troublesome parts on the Dowd-Ellis helicopter—the main rotor blades, hub, and mast—had been installed aboard the 10-year-old aircraft when it was overhauled by Bell 12 days before the accident. Those parts had been installed, Bell said, precisely as its overhaul contract had specified; under its 1978 overhaul contract with the Army, Bell was simply required to requisition a Bell-designed rotor system from Army storage and install it atop the modified chopper. "In this case, Bell clearly modified the helicopter in strict conformity to the contract and the law, and had absolutely no choice but to do so," Bell's lawyers said.

The design of the parts that failed, on the other hand, was done under an earlier *design* contract, for which Bell was not responsible under the *overhaul* contract, according to Bell. Bell argued that the extent of the liability was confined to the specifications of the overhaul contract under which the helicopter had been modified. "The rotor system was designed by Bell in the early 1960s; the mast was designed by Bell in the mid-1960s," Bell said. "These particular parts were not designed pursuant to this [overhaul] contract," they added. "The contract exempts the rotor hub assembly from Bell responsibility." In fact, the overhaul contract doesn't deal with the system's design.

Bell sought immunity despite the fact that it had designed the rotor system and still held a valid patent on the design at the time of the crash, a patent from which it could still get licensing fees from anyone seeking to use it; despite the fact that Bell had originally built both the rotor

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system and helicopter; and despite the fact that Bell had long known about the design flaw, knew how to fix it, but didn't file a formal request with the Army to do so.

Judge Northrop dismissed Bell's claims in a strong rebuke and upheld the jury's action. The company's legal woes, he said, stemmed from the original design of the helicopter and were not eased either by the passage of time or the modification contract.

So, Bell appealed to the 4th Circuit Court, where it again pressed its claim that while Bell had designed the original Cobra helicopter, it was not responsible for the modified version in which Dowd and Ellis died. "While Bell could design and manufacture parts, it could not displace the Army's authority to choose the configuration of its helicopter," Bell told the circuit court. "Thus, the Army was the designer of the modified helicopter."

Green, the widows' attorney, disagreed. "The installing of the rotor system is not the issue," he insisted in his reply brief. "The issue is the defective design of the rotor installed and Bell's negligence in designing such a rotor."

Last May, a three-member panel of the 4th Circuit overturned the findings of the jury and Judge Northrop and ruled in Bell's favor. "The decision of the United States Army to contract with Bell for a helicopter rotor system with which the Army had extensive familiarity and field experience operates to shield defendant from any liability for alleged design defects in that system," the court held. Responsibility for a design shifts to the Pentagon the moment it approves a contractor's blueprints, the court said. "Government approval of specifications, not design or dictation of them, is all that is required."

Despite the appellate court's decision, Mrs. Dowd remains firm in her conviction that Bell is responsible for her husband's death. "I lost all my hopes, all my dreams, and all my plans that day," she said. "I suffered a loss because of a defective helicopter designed, built, and sold by Bell Helicopter, and to my dying day, whether I win or lose, I will believe that." The widows are now appealing the 4th Circuit's reversal of their jury award to the Supreme Court.

In August, Bell filed a claim with the trial court seeking $46,879.53 from the Dowd and Ellis widows for expenses incurred during the trial, including a $9,000 hotel tab racked up by Bell's top three attorneys. Among other claims, Bell asked the court to order the widows to pay more than $17,000 in fees and expenses to assorted experts who testified on Bell's behalf, including those of

THE WASHINGTON MONTHLY

Journalism Award

for August 1986 is presented to

John Dancy
NBC Nightly News

In a Special Segment report on Medigap insurance, which is supposed to fill gaps left by Medicare, Dancy showed how many elderly are convinced by high-pressure salesmen to buy policies that don't pay for nursing home care and leave them unprotected and often impoverished when illness arrives.

Edward C. Welles
San Jose Mercury

Welles tells how Harry Stern, the slick CEO of the once respected, now bankrupt Technical Equities Corporation, lost $150 million for his trusting investors and bilked entrepreneurs by acquiring their small, profitable companies and then draining the firms' assets. Welles also describes how major national banking and accounting firms that serviced the company should have seen that Stern had built a financial house of cards, but instead furthered the scam by giving Stern credibility in the market.

The Monthly Journalism Award is presented each month to the best newspaper, magazine, television, or radio story (or series of stories) on our political system. Nominations for any newspaper, magazine, or radio or television station in the country are welcome. The subject can be government in its federal, state, or municipal manifestation.

The award for stories published or aired in September will be announced in the January issue. Nominations will close November 15. Nominations should be accompanied by two copies of the story or stories.

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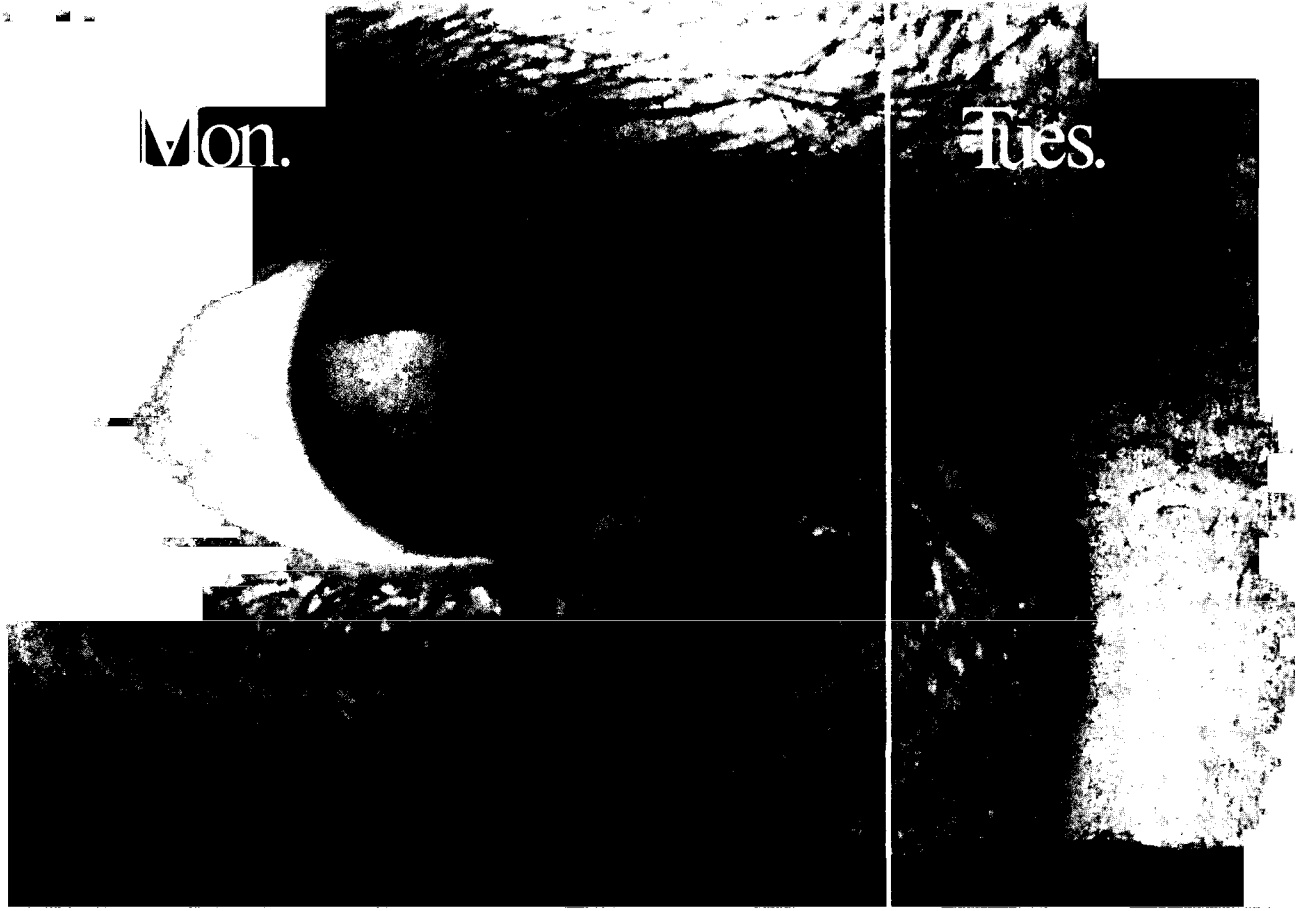

The week we looked terrorism in the eye and proposed a way to make it blink.

Its face has grown familiar. In the endless images of twisted wreckage and shattered bodies left scattered in its wake.

It claims to work for many causes, but wields only one tool—violence. And its target is [illegible] Your family, your children [illegible]

The face of terrorism. It's become a major force in our world, and Newsweek has detailed its violent development. But we didn't stop there. Because when Newsweek looks at a story, we see beyond the face of [illegible] situations, or even the motivations—we see and search for solutions. Recently, we proposed 10 concrete steps designed to combat terrorism. Among them: improved intelligence gathering, cracking down on unsafe airports and create

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Wed.

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Sat.

That's our prescriptive approach to the news—reporting not only what's happening, but what can be done about what's happening.

And over the years, we've applied that prescriptive approach to such varied and difficult dilemmas as civil and crime.

Reporting the bad news and suggesting good answers. Part of the reason Newsweek's won more awards for journalistic excellence than any other new magazine.

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Newsweek.

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ten Bell employees. It also seeks reimbursement for more than $10,000 it spent on audio-visual gear, photographic enlargements, and for the shipment of a copy of the rotor system involved in the accident to the courtroom. Bell officials declined to say why their Fortune 500 company, which was paid more than $500 million by the Pentagon last year, would file such a motion. The court clerk will hold a hearing on Bell's demand for payment later this fall.

An unlikely relationship

Meanwhile, back in Fort Worth, Texas a hometown judge was helping Bell nail shut its "don't blame us" defense. Two widows had sued Bell after the deaths of their husbands in a 1982 accident in West Germany in which a key bolt in their helicopter's rotor system failed and caused mast bumping.

In a brief submitted to Federal District Court Judge Eldon B. Mahon, following the January 1986 non-jury trial, Bell boldly advanced its claim that the government is responsible for the design of Bell military choppers. Its reasoning was simple: A suit alleging poor design can only be filed when a serviceman is injured or killed while aboard a helicopter that has been built under a *production* contract. Servicemen never fly—or are killed—in helicopters built under *design* contracts; helicopters are merely designed, not built, under design contracts. "Once design specifications have been accepted by the government, the government alone is responsible for any design errors, omissions, or defects" because Bell simply followed *government* blueprints when it built the choppers, Bell said. "It makes no difference that the contractor manufacturing the equipment was the original party who created the design specifications." Bell was essentially arguing that it could *never* be liable for any design defects.

In May, Mahon issued a ruling that embraced Bell's key points. "The fact that Bell was involved in the design. . . has no relevance on Bell's liability in this case," he said. "Under the production contract in issue, Bell's sole obligation was to strictly comply with the terms of the procurement contract in manufacturing the requested product." Mahon's ruling may be appealed by the widows.

Defense contractors have sought to convince the courts that the Pentagon knows as much, if not more, about weapons design as they do. "The Pentagon has vast bureaucratic staffs that scrutinize these things to great length," says Fred S. Souk, a Washington, D.C. attorney who represents defense contractors. "If the government approves something, and it later turns out to have harmed somebody, then it's the government's fault for having wanted that system and approving the specifications."

There have been reports that the Pentagon has been so specific about what it wanted in a design that the contractor wound up making unworkable weapons. But in recent years the Pentagon has routinely issued performance requirements allowing contractors the freedom to decide how best to meet those goals. Even the contractors' allies acknowledge the Pentagon's role in weapons design is marginal. "Too often there's an unholy relationship between the manufacturer and the Pentagon and there's really not that much oversight," says Thomas O'Day of the Alliance of American Insurers.

"Sometimes you get a government bureaucrat rubber-stamping government approval on something he's never even heard of," adds Dennis Connolly, who heads the liability section of the New York-based American Insurance Association.

Two years ago, the Reagan administration told Congress that responsibility for a weapon's design rested squarely with the industry. "The F-18 was not designed in great detail by a gnome in the Pentagon with the blueprints then handed out to see whatever contractor wanted to bid on them," said Richard K. Willard, the Justice Department's assistant attorney general for the civil division. "Many of these sophisticated procurement matters are primarily, if not entirely, a result of designs developed by contractors." Bell's design of the rotor system had been just that.

Defense contractors do have their allies in Congress and the Reagan administration; together they justify their efforts to push their design responsibility onto the government by claiming that an avalanche of frivolous lawsuits from injured servicemen or their survivors may drive the contractors from the defense business. They have used that argument not just to limit contractor liability in the courts, but also to justify pressing Congress and the administration to cap damage awards and indemnify contractors legislatively.

One defense contractor recently denounced an "astronomical increase" in such lawsuits. The administration earlier this year declared in a bill it drafted that defense contractors are facing a "rapid expansion" in their liability that has made it more difficult and expensive for the Pentagon to buy what it needs. But evidence of such problems is lacking. "It's hardly a tidal wave of trouble," said a top Pentagon lawyer who asked to

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remain anonymous. He belittled the claim of a litigation avalanche, saying, "In the past year or so I've heard of maybe two or three machine shops having trouble getting insurance."

Officials in the Justice Department, which proposed legislation to Congress earlier this year to cap jury awards against government contractors, could produce no evidence to support their claim that legislation is needed to prevent lawsuit-crazed servicemen or their widows from driving contractors out of the defense business. Pressed to explain how the Justice Department has tracked the increase in such lawsuits, Robert L. Willmore, a deputy assistant attorney general in the civil division, could only say: "One way to measure it, which is in my opinion the best way—but it's totally subjective and therefore not very useful—is just to talk to the lawyers and judges."

Suing for safety

Some legal theorists contend a nation's unencumbered ability to wage war must infringe on a serviceman's rights, even in peacetime. "If the soldier has the duty to serve, then in fairness he should have the corresponding right to hold a manufacturer accountable for injuries caused by its product," William J. Blechman noted in the University of Miami *Law Review*. But such a right, Blechman said, would lead to military decisions driven by legal considerations instead of military strategy: "This unilateral restriction on the use of weapons is philosophically inconsistent with the rules of war."

Theoretically, a serviceman ought to be able to trust the military and the contractors to guard his right to use safe equipment. The contractors who build the weapons and the military decision-makers who supervise their deployment are the first to notice a common thread in a series of accidents. Their institutional knowledge, and the power to act on it, ought to guarantee quick corrections of flaws in the design of military gear. But Bell officials knew years ago that their helicopters had a dangerous flaw, and they knew eight years ago how to reduce the problem. The Army also knew there was a problem. Neither fixed it.

If neither the military nor its contractors would correct such a problem, then who is now ensuring the safety of the equipment the nation's servicemen must use? The military brass is immune. And the contractors are on the verge of being sheltered from liability. The only one with any real incentive left to save the fighting man's neck is the fighting man—or his survivors.

Defense contractors and their allies bristle at the claim that the threat of legal damages against them can improve weapons design by spurring contractors to press the Pentagon to make changes in weapons when potentially hazardous problems surface. "That's dead wrong," asserted James M. Fitzsimons, a Los Angeles lawyer who represents Lloyd's of London. "That's a fiction in the mind of the plaintiffs' bar."

But top Reagan administration officials from the Defense and Justice Departments disagreed with Fitzsimons and his clients and made their views clear in 1984 when defense contractors, then concerned that their government contractors' defense wouldn't survive appellate court scrutiny, sought legislation that would indemnify them by shifting their liability to the government. "Indemnification removes the safety incentive created by the tort system," Richard Willard of the Justice Department told a Senate committee. "To the extent liability can be passed on to the government, neither the contractors nor the insurers have a financial interest in ensuring that a product is designed and made with the safety of the user in mind." In its testimony, the Pentagon agreed. "We prefer to contract in an environment similar to the commercial marketplace where companies must take all the steps that would be required by a prudent businessman in order to ensure the safety of the company's product," said Mary Ann Gilleece, then a top Pentagon acquisition official.

Such testimony generated howls of indignation from the contractors. "I find it incredible that somebody would say that as a result of indemnifying (us) at this point in time that we are now going to furnish less than our best products," fumed James A. Kane, the top lawyer with the Eaton Corporation's government division. "Such a statement besmirches the whole government contractor community."

But Donald Salem, who, though he now represents injured servicemen, also represented Bell for two years, acknowledges that the profit motive that drives contractor choices also dictates—in the form of potential liability—pressures for improved designs. "I've been on both sides, and I know the lawsuits have had a tremendous effect on safety," he said. He recalled a redesign effort the company took to lessen the chance of fire aboard its civilian helicopters. "Bell didn't do that because they had a charitable instinct. Bell did it because they were damned scared about the product liability implications. They fixed something they may not even have considered a problem until litigation started." ■

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James Montgomery Flagg. National Archives.

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WE NEED YOU:

NATIONAL SERVICE, AN IDEA WHOSE TIME HAS COME

by Timothy Noah

The idea of national service has become respectable. The centrist Democratic Leadership Council, chaired by former Virginia Gov. Charles Robb, recently lauded national service as a way to "foster a new spirit of patriotism and citizenship." Three possible Democratic presidential candidates—Bill Bradley, Gary Hart, and Bruce Babbitt—now favor it. Even the Ford Foundation, that fount of carefully considered opinions, has joined the crusade.

When an idea acquires so distinguished a chorus, it pays to be skeptical. But national service is one idea that has genuine appeal. It would be a good way to perform a variety of important tasks, from rebuilding infrastructure, to caring for those in need, to cleaning up the environment, to boosting military manpower. Just as important, it would be a way to break the apathy and self-absorption that have taken hold of our culture.

One program cited approvingly by national service advocates is New York's new City Volunteer Corps (CVC), an experiment in providing service to the community by harnessing the energies of the young. In May, I joined a group of ten CVC volunteers at a senior center in the basement of St. Mark's Church in Elmhurst, Queens. The 17- to 20-year-old "CVs" have painted Staten Island ferry boats, provided companionship and performed household chores for the elderly, helped elementary school teachers supervise young children, and built nature trails. They have even participated in an archaeological dig at a Dutch colonial farmhouse in Ridgewood, Queens.

The team I was assigned to as a "volunteer for the day"—Team 34—had already insulated, roofed, and poured the floor of a small garage used for storage by a senior citizen center. When I caught up with them, they were building a garbage shed behind the garage. As we cut long boards and hammered them down for the roof, I was impressed by both the sturdiness of the carpentry and the spirit of cooperation within the group.

But I was also struck by something else: I was the only person on the team who was not black or Hispanic. Worthwhile a program as the CVC is, it nevertheless demonstrates a serious shortcoming of voluntary national service: it draws disproportionately from minorities and the poor. According to Roy Lee, who served as team leader of Team 34—a job that is a rough cross between camp counselor, foreman, and social worker—every member of his group was on some form of public assistance. Several of the girls were teenage mothers. The problem, as Mary Bleiberg, CVC's director of program and project development, explained to me, is that there aren't many middle class or white kids between the ages of 17 and 20—the eligibility range for CVC—who are not either in school or in a job. "Parents, schools, and society at large are saying stay on track, go to college, get a job, don't take any chances."

The same problem exists in other volunteer groups. The California Conservation Corps, for example, is disproportionately black. The enlisted ranks of the all-volunteer Army are drawn largely from the poor. The situation is similar, if less stark, in the other armed services. The wealthy simply do not participate. Indeed, the two voluntary service groups that do have upper-class representation, the Peace Corps and VISTA, are both pathetically small, with a combined total of fewer than 9,000 members.

Timothy Noah is a contributing editor of The Washington Monthly.

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This pattern of the privileged classes avoiding service is bound to haunt the voluntary national service programs proposed by the Democratic presidential hopefuls. Having found in national service a worthy proposal ignored by Republicans and, according to several opinion polls, supported by a strong majority of Americans, Democrats seem reluctant to embrace the only method of implementing it that would actually ensure full participation: compulsory service.

Draft dodger rag

Few Americans delight in being "forced" to do things by their government; if paying taxes were voluntary, it's a safe bet that most would respectfully decline. But our best historical models for national service—the military drafts—have demonstrated clearly that when the rich are allowed to opt out, as they were during the Civil War and the Vietnam war, the results are painful and destructive to society.

The Union began drafting in 1863. During 1863 and 1864, 522,000 registrants were examined; 204,000 of these were called to service. But only 43,000—less than a quarter of those found fit—were actually drafted. The rest either paid "commutation fees" of about $300—roughly a year's salary for a working man—or found substitutes, freeing themselves from participation in our nation's bloodiest war. "I have already given two cousins to the war," quipped humorist Artemus Ward, "and I stand reddy to sacrifiss my wife's brother. . . . And if wuss comes to wuss, I'll shed every drop of blood my able-bodied relations has got to prosekoot the war."

Substitutions and, especially, commutation fees, gave rise to the charge that it was a "rich man's war and a poor man's fight." While the poor died in battle, wealthy citizens such as Grover Cleveland and John D. Rockefeller bought their way out. The result, in July 1863, was class warfare in the streets of New York and in other northern cities.

The New York City draft riots began on July 13, nine days after the battle of Gettysburg. Posted in Union Square were the names of New Yorkers who had died in the battle. A disproportionate number were Irish. As the crowd assembled in Herald Square listened to the names drawn in that day's draft lottery—Callahan, O'Brien, O'Rourke—the cry went up, "To hell with the draft and the war!" A mob stormed the state arsenal, drove out 40 policemen and 15 armed workmen, seized guns, and set the building on fire. Factories were burned, and Horace Greeley's *Tribune* was besieged. Brooks Brothers and the great houses of Gramercy Park were looted. Policemen and blacks were lynched, stabbed, and shot. Not even children were spared; the Colored Orphan Asylum at 43rd and Lexington, a favored charitable institution of the rich, was overrun. The crowd, enraged to see the rocking horses and other luxuries denied their own children, killed one black child. It took three days for federal troops to restore order. In the meantime, according to Columbia University history professor James Shenton, 1,500 people were killed and millions of dollars in property was damaged.

One hundred years later, America repeated the mistake. In the Vietnam-era draft, the upper classes again had their less-privileged countrymen do the nation's dirty work. Just as Artemus Ward had offered up his "able-bodied relations" to the war effort, now the folksinger Phil Ochs sang in "Draft Dodger Rag,"

Sarge, I'm only 18, I got a ruptured spleen
And I always carry a purse
I got eyes like a bat and my feet are flat
My asthma's getting worse
Oh, think of my career, my sweetheart dear
My poor old invalid aunt
Besides, I ain't no fool
I'm a-going to school. . . .

The student deferment became the key tool used by the upper middle class to avoid the draft; indeed, one 1972 study showed "avoiding the draft" ranked among the three most important reasons students cited for going to college. Because enrollment in graduate school made one eligible for deferment, many who might not have been academically inclined ended up spending a few extra years in school. The Vietnam graduate deferment helps explain why so many prominent Americans in their thirties and early forties have divinity school degrees; David Stockman is a widely noted example.

The graduate deferment was eliminated in 1968, and the undergraduate deferment in 1971. But in both cases a loophole remained for those students who were already enrolled. As for those arriving too late to take advantage of deferment—or unwilling to put up with the rigors of graduate school—a number of popular techniques of bureaucratic manipulation evolved to tie the local draft board in knots. These, as Phil Ochs noted, included feigning illness, homosexuality, or mental instability. Writing in this magazine ("What Did You Do in the Class War, Daddy?" October 1975), James Fallows

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A lingering resentment over who did and did not fight remains, increasing the bitterness and sense of isolation felt by many Vietnam vets.

described seeing more than one fellow college student "prove" he was unfit by tossing a urine sample in an orderly's face at a draft physical.

In the end, of the 11 million who served in the military during the Vietnam era, almost none came from the privileged classes. Not one graduate of MIT died in Vietnam. While class riots didn't break out in the streets, a lingering resentment over who did and didn't fight remains, increasing the bitterness and sense of isolation felt by many Vietnam vets. Indeed, many critics have argued that the war dragged on as long as it did precisely because the sons of those powerful and influential Americans who could have put a stop to it were not fighting and dying in the effort.

Military melting pot

In contrast to the Vietnam war and the Civil War, the World War II draft took the principle of a universal draft and made it a reality. The 1940 Selective Training and Service Act included deferment for college students, but a manpower shortage soon necessitated that it be restricted to those studying in such critical fields as engineering, science, and medicine. In addition, society was less tolerant of ingenious strategies to avoid the draft. Dr. Henry Sloane Coffin, president of the Union Theological Seminary and uncle of future antiwar activist, Rev. William Sloane Coffin, warned that the seminary would not become a "haven for draft dodgers." His nephew served as an infantry officer in Europe. Between 1941 and 1946, the Selective Service, under the leadership of General Lewis B. Hershey, inducted ten million Americans into the armed forces. Six million more volunteered. In the end, *70 percent* of all able-bodied males of draft age—18 to 38—ended up serving.

Some of the flavor of this military melting pot is conveyed in the writings of Ernie Pyle. In his 1944 book, *Brave Men,* Pyle draws thumbnail sketches of several sailors he encountered on board a navy ship. Joe Raymer, electrician's mate first class, was a traveling salesman for Pillsbury in Ohio. Warren Ream, storekeeper third class, worked in the advertising departments of several big stores in Los Angeles. Joe Talbot, aviation ordnanceman first class, was a photographer for the *Columbus Ledger-Inquirer*. Tom Temple, seaman first class, was a 19-year-old from Long Island bound for Harvard and the publishing business. Joe Ederer, lieutenant commander and chief engineer, was a veteran of the merchant marine who lived in Oregon. Arch Fulton, electrician's mate second class, was a lineman for the Cleveland Illuminating Company.

Alongside such soldiers served the likes of Henry Cabot Lodge Jr., Joe DiMaggio, Jimmy Stewart, Franklin D. Roosevelt Jr., and Joe Louis. The participation of all classes in the war is further reflected in those who were killed, including the bandleader Glenn Miller; Wells Lewis, son of the Nobel prizewinning novelist Sinclair Lewis; Peter Lehman, son of the investment banker, governor, and senator, Herbert Lehman; Stephen Hopkins, son of presidential adviser Harry Hopkins; and Joseph Kennedy Jr., older brother of the future president.

The egalitarianism of the World War II draft was far from flawless; white and black troops were still segregated, and there were even separate Red Cross containers for "white blood" and "negro blood." Still, different social classes were brought together to an unprecedented degree with extraordinarily beneficial results. "The Army has taught me not only how to kill," wrote an army

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"What do teenagers owe their country?" asked a 1979 survey. The majority answered "nothing."

major after he returned to civilian life in 1945, "it has taught me how to live.... The scope of the world is only hinted at to the average man in the stories he reads and the movies he sees. In the armed forces he has for daily companions all the characters of life's drama.... [T]here is more about a man to irritate his neighbors, and more about his neighbors which seems irritating to him, before a spell in the Army than after it."

The secret was discovering the good qualities of people one would never get to know in ordinary civilian life. Campaigning for Congress in 1946, John F. Kennedy described the strong feeling of community that resulted:

> Most of the courage shown in the war came from men's understanding of their dependence on each other. Men were saving other men's lives at the risk of their own simply because they realized that perhaps the next day their lives would be saved in turn.... Now they miss the feeling of interdependence, that sense of working together for a common cause. In civilian life, they feel they have only themselves to depend on.... One veteran told me that when he brought one of his army friends to his home, his wife said, "What could you possibly see in O'Brien?" The veteran remembered O'Brien in Italy, walking with him from Sicily to the Po Valley, every bloody mile of the way. He knew what he could see in O'Brien.

The military draft, which ended after World War II, was revived with the onset of the Cold War in 1948. This time Harry Truman chose the occasion to desegregate the troops, making the military the first victory of the civil rights movement. One general recalled, "The attitude of the southern soldiers was that this was the army way; they accepted it the same way they accepted getting up at 5:30 in the morning."

During these postwar years, a strong ethic of wanting to serve remained. The journalist Christopher Buckley has written that an uncle who had missed World War II viewed Korea "almost as a relief." Meanwhile, as James Fallows noted in *National Defense*, "the combination of a large standing army and a relatively small draft-age population meant that most able-bodied males, from Elvis Presley to Philip Roth, looked on the draft as a fact of life." Although a student deferment was introduced during the Korean War, students were generally exempted only through the current semester—and even then, they were eligible only if they were carrying a heavy scholastic load.

Junior's fast track

The two decades since the demise of the equitable draft have seen the development of an insidious trend in American society: the creation of enormous and unprecedented class barriers. The decline of public schools and a variety of other class-mixing situations have contributed to class isolation. You can see it in the emphasis on credentialism in the workplace, which drives a wedge between the college—or today, the graduate-school—educated and those who never acquired a sheepskin. Writing in *The New York Times*, Barbara Ehrenreich recently observed that social class barriers are reflected even in the department stores where we shop. Stores that once catered to customers across the economic spectrum are either closing (Korvettes, Gimbels) or repositioning themselves to serve the upscale market (Sears, J.C. Penney). The rich are left with Bloomingdales, while the poor and middle class go to K-mart and Woolco. Most of us have very

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little shared experience with people from significantly different walks of life.

It's hard to measure the effects of this class isolation. But if the attitudes of the young are any gauge, the result has been disastrous. For example, a 1979 survey of high school students in Minnesota asked, "What do teenagers believe they owe their community and country?" The majority answered "nothing."

This year *The Washington Post* conducted an extensive study of the attitudes of today's college students and concluded: "By their own description, these undergraduates are self-centered, materialistic and practical.... Life has been good to them, and they expect more of the same. To many, happiness means a $30,000-a-year job without boredom, a sizable house, a good family life—and maybe a cottage in Cape Cod, a boat and a Rolex watch."

"Everybody is thinking about making it," one junior told the *Post*. "Everyone is focused on themselves and what success can bring."

Given this mood, the supporters of voluntary national service can hardly count on the more privileged members of this generation to voluntarily rush off to the nearest recruiting office to sign up for a couple of years of low paying, regimented service cleaning bedpans and painting bridges. B.T. Collins, who, as former head of the California Conservation Corps, knows as much as anybody about voluntary youth service programs, says you shouldn't ask teenagers if they want to serve their country. "Of course they don't want to. They want to sit around and smoke dope and fuck each other." Even if affluent youths were more public-spirited, their parents would likely panic at the thought of Junior getting off the fast track for a couple of years and losing that leg up that they have been struggling to give him since they got him into the most competitive nursery school in town.

Some day the service ethic may be so deeply ingrained in American culture that a voluntary program will naturally attract great numbers of youths from all classes. That would be ideal. Until then, a little compulsion is required to make sure the burden is fairly distributed.

How would it work? Young people would be given the choice of military or civilian service. The term for the former should be shorter simply because on the whole it is more demanding and dangerous. Both men and women should be required to serve.

Those who oppose such a draft often argue that during peacetime sufficient need does not exist to justify compulsion. This is simply not the case. In addition to the urgent need to bring Americans together in a common enterprise, our country faces a long list of serious problems that won't be solved any other way.

National service would make it possible for society to get essential work done that we cannot afford to pay for in an era of $200 billion deficits—work like caring for children and the elderly, cleaning up the environment, teaching in ghetto schools, and rebuilding the nation's crumbling infrastructure of roads, bridges, and water and sewage systems. Take just the first two and it's clear that the need is enormous.

Sixty percent of all mothers work, making the need for quality care an urgent one. But quality day care is available only to those wealthy enough to pay for it. The result, for the average working parent, is anguish.

Perhaps the greatest of society's unmet needs is care for the elderly. The elderly are the fastest-growing age group in our society. In 1930, they accounted for 6 percent of the population; today they are 12 percent. By 2030 they will be 21 percent. Most daunting of all, the fastest-growing part of the elderly population is those who are 85 and older—most of whom need to be cared for. Almost all of us have some personal knowledge of the problem the infirm elderly can present to their families. One typical illustration of the problem appeared recently in *The New York Times*. Seventy-year-old Gertrude Schmidt of Port Charlotte, Florida described herself to the *Times* as a "24-hour a day nurse" to her husband Howard, age 87, who is bedridden from a stroke. "I better stay healthy," she said. "I couldn't afford to put him in a nursing home if it came to the point I couldn't care for him. Three years ago when he had kidney problems he went into a nursing home for 12 days and I was fearful then I would have to mortgage the house."

Mrs. Schmidt is not alone. Nursing home care costs on average $20,000 to $30,000 a year, far beyond the means of most elderly people. National service could help alleviate the problem by providing both nursing home workers and assistance to those elderly persons who choose to care for a feeble husband or wife at home.

Using national service members to care for the elderly would also help change, in less tangible but equally important ways, attitudes held by the young. Carl Weisbrod, who was the CVC's first director, told me, "Old people disgusted [some CVs] before they joined the CVC. After working with the elderly, they saw how much they have to contribute." CVs have continued visiting nursing home patients after a team assignment has

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ended; there have even been cases of CVs moving into hospices to be with dying patients around the clock.

In all, a 1978 Labor Department study concluded, there are 3.5 million jobs—not including those in the military—that could be performed by those in national service. As it happens, there are about that many 18 year olds in America today.

As for the military, even though pay levels have substantially increased since the draft was abolished, the Navy recently announced that the percentage of recruits with a high school degree declined from 89 percent in 1985 to 79 percent in 1986. That percentage will go down further in the coming decade as the children of the baby boom are displaced by those of the "baby bust." With a shortage of recent high school graduates, the military will feel pressured to sweeten the pot to get people to join up—at a time when the defense budget is already out of control. It is entirely possible that demographics alone will make a military draft necessary in the next decade.

All in all, there is little question that there is enough work, both civilian and military, to keep a national service productive. To be sure, there is always a danger that the bureaucrats will turn national service into a gigantic boondoggle. But the experience of World War II provides some hope. The democratic draft that brought in all segments of the population, including the influential and well-connected, made the armed forces more efficient and more responsive to improvement than they ever were before or have been since. For example, the inefficient P-40 fighter was quickly replaced by the much more effective P-47 Thunderbolt and P-51 Mustang. If only we could replace a DIVAD or Bradley Fighting Vehicle so fast today! When a congressman or Pentagon official back then was hearing from his brother-in-law in the service that a weapon didn't work and a lot of men were dying because of it, that official did something about it.

How can we pay for such an ambitious program? Most estimates put the cost of universal national service at about $30 billion, which assumes extremely low pay. But there is another side of the ledger—savings. In their new book, *National Service: What Would it Mean*, Richard Danzig and Peter Szanton estimate that the military could save $2 billion annually by cutting entry pay by a third. There can be little doubt that the All Volunteer Force has raised military personnel costs. In 1964, when the draft was still in force, the Army paid enlisted recruits $78 a month, not including benefits. Today, that figure is $596 a month—roughly two and a half times the 1964 pay level, discounting inflation. Higher pay has attracted more married men who might once have found military wages too low to support a family; this in turn has raised the cost of certain military benefits. For example, transfering a married army sergeant and his family costs an average of $3,200, compared to $750 for an unmarried sergeant.

Similar savings could be found on the civilian side, as national service workers performed work, such as infrastructure repair, that would otherwise be paid for many years hence at a higher price. Finally, one lesson we can learn from the experience of other countries—Canada, Britain, and the U.S. are the only western democracies that do not have compulsory national service—is that national service programs are logistically possible.

There may be times when the nation simply can't afford to have everyone eligible involved in national service. At such times it would be possible to limit the size of the national service workforces by means of a lottery. We used the lottery during World War I and, until 1942, in World War II. It did not cause resentment. And if the ground rules are fair—no class-based exemptions, such as those for college, and, especially, graduate students—a lottery could be a solution that would be widely accepted.

Give something back

Some supporters of a broad-based national service who are nonetheless wary of drafting people to participate have suggested alternative inducements. One possibility is to offer the kind of special scholarships Brown University now offers for students who have performed service. Charles Moskos, a military manpower expert at Northwestern University, has an alternative proposal: given that federal student aid packages amount to a "GI Bill without the GI," he argues that civilian or military service should be the price students pay in return. Danzig and Szanton propose four models for national service, the most ambitious of which would add a 5 percent federal income surtax annually to those who did not perform civilian or military service. Most of these proposals are intriguing, but unfortunately all of them leave the option of buying your way out of service.

It is sometimes argued that compulsion would violate the Thirteenth Amendment's prohibition against involuntary servitude. But, as a unani-

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A national service program could help us snap out of today's what's-in-it-for-me zeitgeist.

Photo: ACTION/VISTA

mous Supreme Court decided in *Butler v. Perry*, that amendment was directed at slavery, a practice under which individuals were compelled to provide lifetime service for a private plantation owner, not at reasonable services required by society for the common good, such as serving in the Army or on a jury.

What of those who concede that national service may be constitutional but find compulsion morally wrong? This concern has been raised on both the left and the right. Jack Kemp has said, "At the age of 18, you should be focusing on your dreams and ambitions, not picking up cans in Yellowstone." *The Progressive* has compared national service to the Soviet Gulag. Somewhere in between, both ideologically and in terms of reasonableness, is Nicholas Von Hoffman's suggestion that we "draft old men's money, not young men's bones."

Common to all three of these positions is that the draft is an unreasonable imposition on the lives of the young. Yet because a voluntary national service program is unlikely to attract people from all classes, those arguments are deceptive in their concern for the individual. What they're really saying is that it's fine for poor youths to serve and perhaps die in disproportionately large numbers, as long as children of the privileged can lead uninterrupted lives. There is something clearly unjust and shameful about that.

And while the idea of mandatory national service stirs among many that healthy American hostility to anything that smacks of Big Brother, in this case the hostility is misdirected. It is important to remember that compulsory national service can only happen if it is enacted by Congress, by the representatives we elect. If the people don't want it, it's not going to happen. Can you imagine a bunch of congressmen sitting around talking about how they're going to do their solemn duty and impose a draft on a public that does not support it, gaily chatting about how much fun it will be to lose the next election? It is also important to realize that once a draft has been enacted, it can be abolished. That is just what has happened three times in our history and it will happen again with any draft that loses popular support.

Finally, compulsion does not have to involve the threat of prison that has been used to enforce drafts in the past. It may well be that the threatened loss of various privileges will suffice. Suppose if, instead of jailing the young man who refuses to do his national service, we simply tell him he will never get a driver's license? Certainly the problem of upper-class participation would be solved completely if a proposal of William F. Buckley is adopted: have the presidents of all Ivy League universities agree that no one will be admitted who has not done national service.

The key is that the enforcement method ensures participation by all segments of the population. History has shown that the benefits of bringing different types of people together for a common enterprise alone make a strong argument for universal national service. Maybe such a national service program could even help us snap out of today's what's-in-it-for-me zeitgeist. And no, writing out a check to the IRS every April 15 does not discharge our obligations. Each of us takes so much from society; and, in so many ways—from polluting the air to not devoting enough time with our elderly kin—each of us contributes to the problems our nation faces. We need to start giving some more back. ■

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WHO'S WHO in the Administration

How does one fashion a reputation as one who wields influence? One could take a lesson from former White House counsel **Fred Fielding**, who is now building up his private practice. At a recent gala reception, Fielding walked up to Supreme Court Justice **Antonin Scalia**, shook his hand, and when Scalia made reference to his confirmation, asked, "Will you ever forgive me for getting you into this?" This was asked loudly enough for a nearby *Washington Post* reporter to hear and then print it verbatim the next day....

How does one gain a reputation for losing influence? Study the case of **Michael Deaver** who has already lost more than $1 million of business from foreign clients alone. The list of firms and governments Deaver no longer represents continues to grow: Canada, Mexico, South Korea, Singapore, the CBI Group, CBS Inc., Philip Morris Cos. Inc., Rockwell International, Trans World Airlines, and most likely, Boeing Corporation.

The latest casualty of Deaver's demise has been **Lee L. Verstandig**. Remember him? On a recommendation from Deaver, Verstandig got a job last spring as **Nancy Reagan**'s chief of staff, a job he was forced out of just 24 days later after angering the rest of the staff with what some said was his arrogance. A mere six months after Deaver dutifully took him off Nancy's hands, Verstandig is going into business for himself, though whether Deaver can't afford him, can't bear him, or just can't hold him, is unclear....

Attorney General **Edwin Meese III** may no longer work at the White House, but he retains plenty of influence on domestic policies through the Justice Department's Domestic Policy Council. Two committed conservatives are now leading the charge on Reagan's welfare reform initiative. **Charles D. Hobbs**, head of the Council's working group on low-income opportunity, and Under Secretary of Education **Gary L. Bauer**, head of the Council's working group on the family, are both doing major studies of the welfare system and its effects on the family and the poor....

Did you know **Donald Regan** has his own secret service detail? It is said he cherishes the imperial trappings, the hustle and bustle of the dramatic entrances and exits they provide....

Some Republican insiders would love to lift Senator **Paul Laxalt** onto their shoulders as their 1988 presidential candidate, particularly since they worry that those who are now clamoring to be carried may not be able to win. That Laxalt's potential popularity is enormous can be seen in so prominent a columnist as David S. Broder guessing that voters would "like what they see" in Laxalt, a man Broder says conveys "the most engaging of Reagan's personal qualities." There's just one little reservation holding everyone back: Laxalt might still turn out to be a crook. A potentially damaging bit of evidence in Laxalt's libel suit against McClatchy Newspapers was recently made public. **Laurence A. Rooker**, a former IRS investigator, testified that the IRS failed to pursue its investigation of possible skimming at a Nevada casino in part because Laxalt owned some of the business....

In September we noted that because of National Security Affairs Adviser **John Poindexter**'s botched efforts, the NSC staff was considered one of the worst in history. Now comes the disclosure in *The Washington Post* of Poindexter's memo to the president endorsing a policy of deception aimed at convincing Gadhafi that he was about to be attacked....

Many of those terrible rumors about **Robert McFarlane**'s extra-curricular love life at the White House involved **Karna Small**, who, as deputy director for press relations at the National Security Council, was said to have been especially close to Robert McFarlane. She has followed her former boss into private life, leaving the White House to work as senior vice president and director of international public affairs in the Washington office of the Hill & Knowlton public relations firm....

Our sources tell us that **Patrick Buchanan** is definitely leaving the White House after this month's elections....

In

HEALTH AND HUMAN SERVICES

Administrator, Health Resources and Services Administration—**David M. Sundwall, MD** was staff director for Health and Human Resources on the Senate Labor and Human Resources Committee.

STATE

Ambassador to Argentina—**Theodore E. Gildred.**

Ambassador to South Africa—**Edward Perkins** has been ambassador to Liberia.

AGENCIES AND COMMISSIONS

Vice Chairman, Commission on Civil Rights—**Murray Friedman** was director of the Mid-Atlantic States office of the American Jewish Committee.

Director of VISTA—**Jane Kenny** was special assistant to Vice President Bush.

Out

WHITE HOUSE

Deputy Staff Director, the National Security Council—**Donald R. Fortier** died.

JUSTICE

Assistant Attorney General for the Office of Justice Programs—**Lois Haight Herrington** has resigned.

STATE

Ambassador to Argentina—**Frank V. Ortiz Jr.**

AGENCIES AND COMMISSIONS

Vice Chairman, Commission on Civil Rights—**Morris B. Abram** will be chairman of the Conference of Presidents of Major Jewish Organizations.

Member, Federal Home Loan Bank Board—**Mary A. Grigsby** has resigned.

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Photo: Stanley Tretick

THE LONGEST SHOT

MEASURING AL GORE JR. FOR THE WHITE HOUSE

by John Eisendrath

The windows were rolled up but Albert Gore Jr. didn't care. The 38-year-old senator from Tennessee, a rising star of the Democratic party, and a man Sen. Jay Rockefeller says simply, "is going to be the president," sat screaming behind the wheel of his Pontiac 6000 Sedan. "Will you move, please?" Gore yelled to the driver of a car that blocked him in. "Will you please move?"

Gore was parked on M Street in downtown Washington, in front of the CBS television studio where he had just finished taping an interview on the homeless for "Nightwatch." It was 1:30 on a Thursday afternoon and he had less than ten minutes to get back to the Senate for a vote on a product liability bill. Window down. Scream repeated. Car moved. Gore peeled away from the curb. At K street he ran a red light; at Pennsylvania Avenue, another. After weaving into oncoming traffic, the senator backed down only after seeing an ambulance, sirens blaring, coming head on. "Senator runs into ambulance," he said, swinging back into the traffic flow. "Senator yields."

Al Gore rarely yields. Pulling into the Capitol parking lot with time to spare, Gore said, "There's a section in the Constitution that allows for this. A senator on pressing business cannot be stopped."

Albert Gore, according to friends and enemies alike, is on very pressing business. In four terms in the House of Representatives, Gore made a name for himself for being aggressive, pragmatic, and thorough. "There is no one in public life who sets about learning the issues as systematically and relentlessly as Al," says Martin Peretz, editor-in-chief of *The New Republic* and one of Gore's old college professors. "In the next decade Al

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Gore will be the most talked about Democrat and deservedly so," says Norman Ornstein, research scholar at the American Enterprise Institute. Even Republicans applaud Gore. "He's a terrific politician, who's very tenacious and always in control," says James Henry, chairman of the Tennessee Republican party. Adds Victor Ashe, who was drubbed by Gore in the race for the Senate seat vacated by Howard Baker in 1984: "He's bright, intelligent, and will be on the national ticket within a decade."

Washington, of course, is a town that thrives on overstatement. Being a political golden boy and being called one can be two very different things. After all, a quick perusal of his legislative record could leave the impression that despite the accolades, Gore is little more than a blow-dried Bob Forehead. In 1984, Gore went on record in favor of organ transplants; in 1985, he lobbied for an Office of Critical Trends Analysis and took the rock band Twisted Sister to task for writing obscene lyrics; this year he has introduced a bill on the homeless and has been named co-chair of a congressional task force on illiteracy. When it comes to motherhood issues, Al Gore takes a stand.

And then there's the grooming. The son of a former senator, Al Gore's resume appears calculatedly perfect. He married his high-school sweetheart and studied political science at Harvard. He went to Vietnam and law school. Gore even went to divinity school, for heaven's sake. Bad habits? Gore jogs every day, doesn't drink coffee, and snacks on apples, pears, and carrots. And he looks like a thoroughbred. His features are sharp and statesmanlike; his eyes deep and sincere. One look at his thick brown hair and you know he's never had a cowlick.

But could a mail-order politician garner such rave reviews? People don't just say Gore is a good politician; they say he's going to be president. Even the most cynical must wonder how this could possibly be.

Politics and war

The place to start looking for the answer is, of course, in a one-room schoolhouse—this one in Possum Hollow, Tennessee. From there, Al Gore's father emerged to become one of the nation's great liberals. Albert Gore Sr. spent 32 years in Congress—14 in the House, 18 in the Senate. Al Sr. and his Tennessee colleague, Sen. Estes Kefauver, "were liberal and sometimes radical on economic matters, all humane on race, all men of national stature," according to David Halberstam, who covered them as a reporter for the Nashville *Tennessean*. Gore was the author of the Interstate Highway Act and a proponent of recognizing communist China long before Richard Nixon got around to it. In 1956, he was one of only a few southern politicians who didn't sign the pro-segregation Southern Manifesto. He went on record in opposition to the Vietnam war in 1964.

There were no one-room schoolhouses for Al Jr. By the time he was born in Washington on March 31, 1948, his father had been a congressman for ten years. Young Al was enrolled at the exclusive St. Albans Episcopal School for Boys in Washington. He was an honors student and captain of the football team.

Later, Gore's time at Harvard coincided with the most turbulent period of college unrest in history. He was there between 1966 and 1969, a time marked by student demonstrations and burned draft cards, and by civil rights marches throughout the South. But don't bother looking for Al Gore in the crowd the next time you see "Woodstock" on TV. "Al was always morally serious," recalls Peretz. "People had an intense politics then that looked serious, but which was not always as serious as it was intense. Al stood out to me because he didn't get swept up in the elan of the student movement. He had independence of mind."

Gore's politics were serious. He spent the summer of 1968 working on Eugene McCarthy's presidential campaign as chairman of Tennessee Youth for McCarthy. And though he aspired to be a writer, he quickly soured on English courses and switched his major to government, weighing in with a 103-page senior thesis titled, "The Impact of Television on the Conduct of the Presidency, 1947-1969."

Nevertheless, Gore insists that a career in politics was out of the question at that point. "The experiences of Vietnam and the presidency of Richard Nixon left me with the conviction that politics would be the very last profession I entered," Gore says. A personal experience, coming soon after he graduated from Harvard in 1969, added to this antipathy. Tennessee was no longer a populist state. The sons and daughters of the dirt farmers who first elected his father were no longer desperately in need of government help, and the elder Gore's liberalism left him vulnerable. Running for reelection in 1970 against candy company heir William Brock, Al Sr. was criticized as too liberal for Tennessee. The election hinged on one issue: Gore's opposition to the Vietnam war.

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At age 34, Gore had cracked the hardest policy game in town: arms control. His ideas had been adopted by Henry Kissinger, Paul Warnke, and Reagan's Scowcroft Commission.

That year Al Gore Jr. was drafted. He was bitterly opposed to the war. "I felt strongly that our policy in Vietnam was misguided," he says. "And for a time I thought about not going." But the effect of his action on his father's campaign was clear: if he chose to avoid the draft, his father's career, already jeopardized by his dove image, was over. His family told him to make his own decision. If anything, they seemed to prefer he resist the draft. His mother said she would go to Canada with him if he chose to do that. "Those who know the senator," Halberstam wrote at the time, "suspect that he would not have minded at all running a campaign with a son who refused to go to Vietnam."

In choosing to go to Vietnam, Gore must have considered a number of factors, but none weighed on him more than the effect his decision would have on his father's campaign. Spiro Agnew had come to Tennessee during the campaign and announced that Gore was the Nixon administration's number one target. Brock, who is now secretary of labor, had successfully tagged Gore as "the third senator from Massachusetts." If his son dodged the draft, the election was over. Once Al Jr. decided, the senator's media man put together a commercial showing the senator with his 21-year-old son in his army uniform headed for Vietnam. In the spot, the senator reaches out and touches his son's hand, telling him, "Son, always love your country."

It was a bitter introduction to politics—made worse by the fact that his father lost by 46,344 votes. "It was a horrible time for all of us," says Pauline Gore, Al Jr.'s mother. "And the pressure on young Al was enormous." Adds Halberstam: "His conscience pushed him one way and his allegiance to his father—who hated the war—pulled him another. He dealt with it with courage and grace."

Mr. Muckraker

Gore spent his hitch in Vietnam as an army reporter with the 20th Engineering Brigade headquartered outside Saigon. By the second day, he saw combat. He sent some of his stories home to his wife, Mary Elizabeth "Tipper" Gore. She brought them to the attention of editors at *The Tennessean*. The editors published a number of Gore's dispatches and, when his tour of duty ended in 1971, a job as a reporter was waiting for Gore in Nashville. *The Tennessean* was a liberal paper that had long supported his father. Gore started out at the bottom, doing stories about dead cows and pigeon-nappers. In a story about an eating contest sponsored by a Burger King franchise, Gore wrote that "Hopes of record-breaking performances were dashed. . .when one of the contestants regurgitated his first three whoppers on the table and dampened the morale of his competitors."

Stories like that—complete with an accompanying photo of the unfortunate contestant heaving his whoppers—might dampen the enthusiasm of even the most eager cub reporter. Not Gore. Forget the pedigree. Forget the *cum laude* Ivy League diploma. He was determined to learn his craft, and if that meant writing about Hillbilly Day in Madison, Tennessee, all Gore needed were directions to the moonshine still. Look back on the way Gore inched his way up the journalistic ladder during his seven years at *The Tennessean* and the golden boy image fades. Al Gore no longer looks like a thoroughbred. He's a terrier.

Gore spent a year as a police reporter. Working nights gave him the opportunity to enroll as a divinity student at Vanderbilt University. "I went to divinity school to study the spiritual issues that were most important to me at the time," says Gore, who studied philosophy and phenomenology. It wasn't a calling so much as an intellectual stretch, and those studies ended when he was assigned to cover local politics in Nashville.

"He would spend hours combing through documents and reports, looking at every possible clue and angle," recalls James O'Hara, a reporter at *The Tennessean* who worked with Gore. His persistence paid off. In 1974, Gore uncovered corruption in the Nashville city council. In a long investigative series, Gore reported that a coun-

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cilman named Morris Haddox had been accepting bribes. As a result of his stories Haddox and several others were convicted and sent to prison. "He was one of the better investigative reporters we've had," says Lloyd Armour, executive editor of *The Tennessean*. The kinds of kudos Gore now receives as a politician—that he is thorough and tenacious—he received then for his work as a reporter. "He was very dogged, and he attacked everything with intensity," says Eve Zibart, a reporter with *The Washington Post* who worked in Nashville with Gore. "He's the same way now that he's a senator."

Covering local government led Gore to reconsider his interest in politics. "Only then did I rekindle my interest in public service," he says. "I felt intensely frustrated about policies and decisions I was writing about because I felt they were often dead wrong. But as a journalist I could do nothing to change them."

Covering the trials of the indicted councilmen, Gore became interested in the legal system and decided to enroll in Vanderbilt law school. While there, Gore stayed on at *The Tennessean* as an editorial writer. He says he had every intention of finishing law school until one day in 1976 when a reporter friend called with a tip: Rep. Joe Evins had unexpectedly decided to retire from Congress; he would make the announcement in two days. Gore made up his mind immediately. "I was coming from work and on my way to law school when my friend called," says Gore. "I went home, turned to my wife, and said: 'I'm going to run for Congress.' "

Motherhood's method

What sets Albert Gore apart from his congressional colleagues are, in many respects, the skills he learned as an investigative reporter. After the space shuttle Challenger exploded, for instance, Gore participated in a number of hearings concerning the accident as a member of the Senate subcommittee on science, technology, and space. Not satisfied with what the subcommittee was unearthing, Gore cultivated his own sources within NASA and came up with some startling information on his own. It was Gore who discovered that NASA had reduced by 71 percent since 1970 the number of people who monitor the quality of work and equipment. Later, when NASA refused to turn over a memo on safety procedures to the subcommittee, Gore went back to his source and got it himself. His initiative garnered him front-page coverage. It also annoyed some senior members of the subcommittee not keen on giving up the limelight to a freshman senator—a fact that doesn't bother Gore a bit. "He was my whistleblower," he says. "I did my homework."

Doing his homework is Gore's hallmark. Staff members on every committee of which Gore has been a member during his ten years in Congress uniformly praise his determination to master any issue he gets involved in. "He's head and shoulders above the majority of the members," says one committee aide. "Other than a chairman, it is very unusual for a member to request a personal briefing by the relevant subcommittee staff," adds another. "With Gore, it was routine."

Spend a day with Gore and it quickly becomes clear that though he relies on Hill staffers, he's not propped up by them. At a breakfast meeting he breezed through a colloquy on space weapons with John Glenn; at lunch he kibitzed with Barry Manilow about copyright law. In between he handled the machinery of government with equal aplomb. With an aide only occasionally bending his ear, Gore testified before a Senate subcommittee about the need to increase the size of the Tennessee Wilderness System, ad-libbed a speech about a Democratic alternative to the Reagan defense buildup, cast his vote on the product liability bill, held a strategy meeting about the upcoming gubernatorial campaign in Tennessee, and questioned Environmental Protection Agency officials about why they no longer test disinfectants before allowing them to be used in hospitals.

Now, the responsibilities of senators are tremendous, and doubtless there are many with similarly hectic schedules. What is impressive about Gore is not so much the breadth of his scope as the depth of his knowledge. His speech on Reagan's defense buildup, for instance, was made by way of announcing a 25-page report on defense policy he coauthored with Sen. Sam Nunn and Rep. Les Aspin. Nunn is the ranking member of the Senate Armed Services Committee; Aspin the chairman of the Armed Services Committee in the House. Gore has no committee assignments relating primarily to defense—and he had none when he was a congressman. He's just an expert. Seen in this light, the fact that he'll never have a cowlick seems moot: it's not Vitalis that keeps Al Gore in Congress; it's energy and intelligence.

Consider his committee work. As chairman of the House Science and Technology subcommittee on investigations and oversight, Gore studied the problems resulting from the atmosphere's

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As he sat in the make-up room at CBS before taping "Nightwatch," the woman who was powdering his nose whispered, "When you run for president I'm going to vote for you."

deteriorating ozone layer and fought to save the government millions of dollars by getting Medicaid to pay for generic, rather than brand-name drugs. He held hearings in Tennessee on Alzheimer's disease and in Washington on the phenomenon of nuclear winter. True, these are politically safe, media-oriented issues. But there is a method to Gore's motherhood. "He's picked issues that have staked him as the good guy fighting evil," says Ornstein. "What's wrong with that? As a junior member that's a good way to work the congressional process—something Gore does very well." Ornstein notes that as a freshman Gore was appointed to the Senate Rules Committee. "That tells you he understands the importance of the process," he says. "Those senators who understand this are the ones who end up on top."

Political acumen aside, the issues Gore has chosen to investigate tell us something about the way his mind works. In a series of hearings in 1984, Gore examined the need for a nationwide computer system to link patients in need of transplants to organ donors. It was classic Al Gore: as a subcommittee chairman he almost always focused on narrow, definable problems for which he could offer concrete solutions. "I like to examine issues with finite answers," explains Gore. "That's where I'm most comfortable."

The kernel of fear

OK, so Al Gore is smart. Big deal. Lots of people are smart—even in politics. Presidential contenders, even darkhorses, can't live on liver transplants alone. There are many big, abstract problems that senators can avoid becoming expert about that national leaders cannot. Welfare. Social Security. Military reform.

But the biggest impact Gore has made as a member of Congress is in one of these troubling, intractable areas of public policy: the nuclear arms race. Gore compares the superpower relationship to a pair of jealous lovers. "A single bare fact can sustain a wild imagining," he says. Forget that a first strike by either side sizable enough to wipe out the other's retaliatory forces would trigger a catastrophic nuclear winter. We know that and the Soviets do, too. All that matters is the possibility of a "win." "Because of the nature of our relationship with Russia," says Gore, "a small kernel of real fear can sustain a large cloud of illusory fear."

The small kernel of real fear is that, given the present nuclear balance, each side could gain a hypothetical advantage by striking first. Nuclear strategies are based on the number of missiles that survive an attack, not the number of people. As long as one side can wipe out the nuclear stockpile of the other and still have some missiles in reserve, then there will be instability.

Gore didn't start thinking of ways to allay that fear until 1980. He found that as the Cold War rhetoric heated up during the presidential campaign, people in his district began to worry more about the possibility of a nuclear war. At a Girls' State program meeting that summer in Murfreesboro, 85 percent of the girls raised their hands when Gore asked them if they felt there would be a nuclear war in their lifetime. "I was embarrassed that this issue had consumed no more than 15 minutes of my time in my first four years in Congress," he says.

That quickly changed. In December 1980, after he was assigned to the House Intelligence Committee, Gore committed himself to eight hours a week of study on the question of nuclear arms. For 13 months he studied, reading technical journals and talking with experts. "Professional scholars in arms control...are overwhelmed at how he mastered this very arcane subject," says Peretz.

As an investigative reporter at *The Tennessean*, Gore was taught never to sit down to write until he knew more about the subject than anyone. It was a lesson learned. "I didn't want to say anything," says Gore, "until I had developed an elaborate and comprehensive framework that for me offered a way to understand what was happening and how the problem could be solved." In a February 1982 article in the *Congressional Quarterly*, Gore went public.

The article didn't get much notice. It wasn't until three weeks later that Gore sensed how influential his plan would become. In early March, a

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group of Americans led by Minneapolis Mayor Donald Fraser visited Moscow to talk with Soviet arms control experts. All the Soviets wanted to know about was the "Gore Plan." When Fraser and his group sheepishly admitted that they didn't know of any such plan, the Soviets shared with the Americans their copies of Gore's article in the *Quarterly*.

Within months, Gore's ideas had been adopted by Henry Kissinger, Paul Warnke, and the Scowcroft Commission appointed by Reagan to study the MX missile. At the age of 34, Al Gore had cracked the hardest policy game in Washington.

Since the early 1970s, the superpowers have deployed accurate, multiple warhead (MIRV) missiles that have enhanced the possibility that one side could knock out the other's land-based missiles in a first strike. By way of example, imagine that the Soviets and the United States have two missiles each and that both are equipped with two warheads. By launching a single missile, we could knock out the Soviets' entire arsenal and still have 50 percent of our missiles left. Gore proposed that both sides move from multiple-warhead missiles to Midgetmen—single-warhead missiles deployed on mobile launchers. To guarantee knocking out a mobile missile, one side would have to launch at least two of its own. If the superpowers stockpiled only this type of missile, it would take one side's entire arsenal to knock out just 50 percent of the other's missiles. Each would have an invulnerable deterrent, but neither would have a first-strike capacity. Good-by fear. Hello stability.

The plan drew rave notices and has become the hot arms control idea of the 1980s. "He's made an important contribution to the arms control debate," says Warnke, director of the Arms Control and Disarmament Agency under President Carter. Writing in *The Washington Post*, Stephen S. Rosenfeld noted that "starting from scratch, and in a brief period of time, through personal exertion, Gore can fairly claim to have had a major role in, as he puts it, moving a central set of ideas from the perimeter of the debate to the center." Acknowledging that room at the top of the nuclear strategy heap is tight, and that Gore's plan has been embraced by the legendary Kissinger, Rosenfeld offered some advice to the good doctor: "Move over, Henry."

A Zappa fan

"I must admit," Albert Gore Sr. told a Nashville reporter recently, "that in younger days, I looked in the mirror a time or two and thought I might be seeing a president. But the lightning never struck. Now you can put this on the record. My son Al has the character for national leadership. But whether the lightning will ever strike for him, only fate will tell."

Fate seems to be smiling on Al Gore Jr. If his father's liberalism left him out of step with his times, Al Jr. is a moderate at a time when the Democratic party is desperately seeking moderation. A recent policy paper prepared by the Democratic National Committee, "New Choices in a Changing America," treats the liberal wing of the party as an unruly rump appendage it would rather be without. The paper dumps on Russia, embraces "the family," and encourages private investment and entrepreneurship as alternatives to government assistance. The headline of *The New York Times* story on the paper hit the mark: "Democrats Etch A Centrist Image In Policy Report."

The image could be Al Gore's. He can be both cautious and a traditionalist. He is, for instance, opposed to federal funding of abortion. "It is quite correct that a position like mine in opposition to the federal funding of abortion results in unequal access to abortions on the part of poor women," says Gore. "Nevertheless, I feel the principle of the government not participating in the taking of what is arguably human life is more important."

While he opposes voluntary prayer in schools (despite, he says, overwhelming support for the idea in Tennessee), he has voted in favor of a bill endorsing a moment of silence for students to use in whatever way they see fit. In 1985, he voted against banning the interstate sales of handguns. Gore says stringent gun control laws "haven't been an effective solution to the underlying problem of violent crime."

Gore took up the issue of obscenity in rock music lyrics at his wife's urging. As a member of Parents Music Resource Center, Tipper Gore is a leading advocate of getting record companies to voluntarily rate and label explicit material. Taking up her cause, the senator, at a September 1985 Senate Commerce Committee hearing on record labeling, made national news by taking to task rock stars like Frank Zappa. Although Gore, showing his hip side, assured Zappa that he was a fan, the conservative image he projected at the hearing has stuck. Gore's office receives more mail on this subject than any other, including, according to *Memphis* magazine, one reading: "Dear Senator and Tipper: leave my rock and roll alone."

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On defense, Gore has voted for limited funding of the Strategic Defense Initiative, and deployment of the powerful Trident D-5 missile. He is one of three Democratic congressmen responsible for saving the MX. When it looked like the House was going to kill the controversial weapons system in 1984, Gore teamed with Aspin and Norman Dicks to keep the MX alive. Their reasoning was that by using the House vote as a bargaining chip, they could get the White House to both move toward arms control talks with the Soviets and embrace the findings of the Scowcroft Commission—which had endorsed Gore's Midgetman proposal.

The lobbying worked; the bargaining didn't. The president got the MX production he wanted, but shortly after the vote, the Soviets walked out of the Geneva talks. Three years later, we are no closer to an arms control agreement. As for the Midgetman, while Reagan remains rhetorically committed to it, Defense Secretary Caspar Weinberger detests the idea and has stalled its progress. "Gore and the others tried to outsmart the president," says one arms control observer. "They took a lot of bows at the time, but the fact is they got snookered."

Still, the MX deal is less an example of Gore's naivete than of his middle-of-the-road politics. He calculated that if the Democrats killed the MX, they would be handing Reagan a political issue. The bargain enabled Democrats to have it both ways: they could be for a defense build-up and for arms limitation, too. This suited Gore fine—especially since he was in the middle of running for the Senate in hawkish Tennessee.

Unlike a number of his moderate colleagues, however, Gore can be unabashedly compassionate and broad-minded. He feels government should play an active role in protecting the consumer and the environment. He was, for instance, a moving force behind the original superfund legislation. In June, Gore proposed a comprehensive bill to deal with the problem of America's homeless. It would provide the homeless with food stamps, Social Security, and mental health services. For the long-term, it would fund the construction and renovation of low-income housing. With an estimated $4-billion-a-year price tag, it's the kind of pie-in-the-sky piece of legislation you'd expect from a liberal, big-city Democrat, not from a self-proclaimed "raging moderate" who represents a state where homelessness is not a political issue. Even when the political calculus suggests otherwise, Gore can stand on principle. In 1984, despite the fact that his congressional district had 10,000 tobacco farmers, he was instrumental in getting Congress to pass a law requiring strong, rotating warning labels on cigarette packages and advertising. "He represents the direction the Democrats should be moving in," says Ornstein. "He carries with him concerns for the disadvantaged and the underprivileged. At the same time he is not tied to ideology."

No skeletons showing

On the day he broke the story about the decline in quality assurance personnel at NASA, Gore momentarily became, despite his lack of seniority, the doyen of the subcommittee on technology, science, and space, which is chaired by Sen. Slade Gorton. One senior subcommittee member, Sen. Ernest Hollings, took umbrage at the turnabout. At one point Gore asked Hollings if he would yield the microphone for a question.

Gore: "Would the senator yield?"

Hollings: "No, I want to complete a thought. I have a hard time getting this mike away from you. I mean he [was] pretty good over on the House side, but we are going to have to get a little exercise, too, on this side to catch up with him. Senator Gorton, you do not have much longer to hold the chairmanship. He is going to be over in that seat before long."

There's no telling where Al Gore will be before long. As he sat in the make-up room at CBS before taping the segment for "Nightwatch" about the homeless, the woman who was powdering his nose whispered, "When you run for president, I'm going to vote for you." If he can't even get his nose powdered without "Hail to the Chief" playing faintly in the background, you have to wonder: just how long a long shot can he be?

For his part, Gore demures: "I just want to be the best senator I can be for Tennessee." Still, even conservatives like John McLaughlin, Washington editor of the *National Review*, seem to realize the lightning bolts are getting closer all the time. When McLaughlin interviewed Gore in July on his nationally syndicated program, "One on One," he said: "You've got the magical name—Al Gore. Your father was in Congress for 32 years. You've got character. You've got no clay feet, no skeletons showing. You're intelligent. You're well-informed. You've got a Vietnam war record. You've been an investigative reporter, and you've got religious coloration, too. For one year, you were a divinity student and you're a devout Baptist. You're almost too good to be true. Are you too good to be true?" ■

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TIDBITS AND OUTRAGES

THE DAY AFTER TOMORROW I'LL BE IN TRIPLE A

In September, Toronto Blue Jays pitcher Dave Steib published his autobiography, *Tomorrow I'll Be Perfect*. Before this year Steib had compiled a record of 95 wins and 80 losses, and last year he led the American League with a 2.48 earned run average—good enough for Doubleday to want to publish his book. This year Steib is 7 and 11 with a 4.77 ERA—one of the worst in baseball.

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IVANHOE DONALDSON WILL BE THE KEYNOTE SPEAKER

In sequential editorials, *The Washington Post* endorsed D.C. as the city in which the Democrats should hold their next presidential convention ("D.C. for the Democrats in '88"), and berated the District for victimizing the poor by wasting millions of dollars earmarked for low-income housing ("In Housing: Outrageous Lethargy").

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The South African Bureau for Information announced in September that "in an endeavor to improve the quality" of its service, it was shutting down its media inquiries center.

◆

WHY CAN'T A WOMAN BE MORE LIKE A MAN...

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The Story of the *Partisan Review* Crowd

AMERICA'S BLOOMSBURY

by Nicholas Lemann

For anyone who has ever worked on a struggling, high-minded publication, the fate of *Partisan Review* represents the ultimate Walter Mitty fantasy. Here is a publication with a circulation in the low four figures whose every leading writer and editor seems to have been the subject of a biography, a written memoir, or both, and whose editorial policies, especially from the late thirties through the middle fifties, are still intensely discussed and extremely influential everywhere, from the White House and State Department, to big-time academia and the book-and-magazine publishing world. Surely every schoolboy can recite the details of Mary McCarthy's leaving Philip Rahv for Edmund Wilson, or of the skid-row deaths of Isaac Rosenfeld and Delmore Schwartz. The *Partisan Review* crowd is the American Bloomsbury.

Not surprisingly, the mood of the legatees of the *Partisan Review* crowd today is self-congratulatory—of course you've heard the story of how they've repelled the Soviet threat and tamed the welfare monster. So it's a departure from conventional wisdom for Alexander Bloom to say, in the latest addition to the *Partisan Review* shelf*, that the crowd's story is not in some kind of final glorious phase, but over. Bloom says flatly that "the New York Intellectuals have gone," and that "[I]n recent years other younger critics have popped up, eager to become New York Intellectuals. Unfortunately for them, it can no longer be done."

Bloom's explanation as to why this is so is an anthropological one: he sees the story of the New York intellectuals as that of the assimilation of a group (an unusual group, to be sure) of ghetto-born ethnics into the comfortable center of American society. He makes the case well enough to prove his point that the intellectuals' status has dramatically changed in a generation, and also, almost unintentionally, that assimilation is a real possibility for even the unlikeliest people. The Yiddish-speaking Brooklyn childhoods of figures like Daniel Bell, Alfred Kazin, and Sidney Hook fill his first chapter; a memorable quote from Irving Howe on how everyone started out as "a talkative little *pisher*" bluffing through street-corner political arguments resonates through the book, even as the arguments become extremely abstruse. In a way it denigrates the intellectuals to say that their broad shift from left to right has mirrored their increasing age and good fortune, rather than some independent thought process, but it does ring true.

The difference between the original New York intellectuals and their would-be successors today is that the original group started out as true outsiders. They grew up working-poor in the twenties and came of age during the Depression. They were politically radical (almost everyone had at least a flirtation with communism), not in a parlor or common-room way, but because everybody in the neighborhood was, too. They were fiercely ambitious, but as young men most of them were not careerist, if only because in the late thirties it seemed crazy for a poor young Jew to lay the groundwork for a bourgeois middle age. The intellectuals' indifference to money and to the security and prestige of a steady job is practically unknown today, certainly among intellectuals. The touchstone experience for most intellectuals under 40, the Vietnam-inspired student revolution on prestige campuses in the late sixties, is simply worlds away from the experience of coming from Brooklyn to City College to argue about Stalin in the lunchroom. Bloom says the event that symbolizes the end of the New York intellectuals was the publication in 1967 of Nor-

**Prodigal Sons: The New York Intellectuals and Their World,* Alexander Bloom. *Oxford University Press, $24.95.*

Nicholas Lemann is a national correspondent for The Atlantic *and a contributing editor of* The Washington Monthly.

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man Podhoretz's *Making It* (though *Prodigal Sons* is written in scrupulously neutral academic prose, Bloom seems not to like Podhoretz), because it announced that the intellectuals were now just like everybody else.

Podhoretz, who has assiduously cultivated a network of proteges and placed them in strategic jobs in the press and government, would probably argue that the tradition of the New York intellectuals is very much alive, even though the family has been split into several camps. We've gone from arguing in the lunchroom to arguing in the Senate and the United Nations—and it's the same argument—he might say. What's been lost? He can be answered without resorting to ethnic history: his branch, at least, of New York intellectuals is extremely active, but its main activity is influencing public opinion and policy. One does not read the neoconservatives any more for their intellectual freshness—for the feeling (which was the key to *Partisan Review* in its glory days) that they are on the cutting edge of writing about politics and culture. What's most interesting about them now is the vagaries of their careers not as thinkers but as political actors—for example, their fight with the Old Right over tradition and anti-Semitism.

The simplest reason why neoconservative writing doesn't seem fresh is that the positions have become so predictable. When *Commentary* writes about Star Wars or the contras, it is inconceivable that it will be with anything but enthusiasm. In fact it seems inconceivable that there could be doubts expressed in *Commentary* about *any* weapons system or anti-communist guerrilla group. *Partisan Review* was constant in its love for modern art and literature, but in politics it went from Stalinist to quasi-Trotskyist to liberal anti-communist in the space of 15 years. Position-changing is inherently interesting, and when the times are so much more convulsive than they are now, it seems intellectually honorable, too.

It is possible, though, to detect some of the uncompelling qualities of the New York intellectuals today in embryonic form at *Partisan Review*. These have to do with how "intellectual" is defined. It's a more elusive word than you'd think. Back in the thirties and forties, the New York intellectuals thought of themselves as free-floating writers, people who pointedly didn't have regular jobs as professors, journalists, or government officials, and who scorned those who did; an intellectual was a learned person who was not an academic. Edmund Wilson was essentially a free-lance writer for all of his life, and as Bloom points out, was much admired by other intellectuals for refusing to take a job. It was taken as a given that an intellectual would write from a deep familiarity with the history of thought, often gained simply through self-education. Alfred Kazin wrote *On Native Grounds* based on five years of intensive reading, while unemployed, at the New York Public Library.

After World War II the New York intellectuals almost all found steady employment, usually in academia and sometimes in journalism. Some, like Lionel Trilling, had always been academic careerists; others, like Rahv, accepted employment a little ruefully but without much resistance. This meant that the distinction between "intellectual" and "scholar" or "academic" became blurred; it was assumed that an intellectual was anybody who made a living by thinking and writing, and the debate about the role of intellectuals, once the question of their holding jobs was solved, has been mostly over how involved in politics they should become.

Attitude platitude

This long preoccupation with the distribution side of intellectual life has left the production side unexamined. On what authority should an intellectual offer his views? To judge from Bloom's book, the *Partisan Review* writers did not actually research their political pieces. The justification for their sureness was, first, their indisputable intelligence and learning, and, second, the fast-changing nature of the world. The collapse of the communist dream, the rise of fascism, the atomic bomb, the Holocaust, the prosperity of postwar America—these were completely unanticipated turns that *demanded* explanation by intellectuals. Someone like Rahv or Hannah Arendt, sitting in a study somewhere, could pick up a pen, draw upon years of personal struggle and deep reflection, and produce an essay that would truly change perceptions.

But this ethic had its underside, as is now obvious. It wasn't just that research, especially reportorial interviewing, was unnecessary for intellectuals; it was also that it was taxing, inconvenient, and a little demeaning. Can you imagine the lordly Arendt badgering government officials' secretaries for a little time with the boss? Also, Manhattan, the intellectuals' adopted home, is economically and culturally wedded to the constant production of new opinion—Seventh Avenue and Wall Street and television row and Broadway and Soho all profit from something being hot this year that wasn't last year. And it wasn't entirely different on West End Avenue.

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Neoconservative writing has become so predictable. It seems inconceivable that there could be any doubts expressed in *Commentary* about any weapons system or anti-communist guerrilla group.

There was profit in playing the role of arbiter of taste and ideas. In these less-than-cataclysmic times, the New York intellectuals sometimes seem engaged in nothing much more than pure attitudinizing. The perfect example is Susan Sontag's speech at Town Hall in 1982 in which she turned against communism, which was taken with the utmost seriousness in her circle but seemed wacky outside of it.

There is one New York intellectual publication that was specifically designed to be about what's actually going on in public affairs: *The Public Interest*, founded by Bell and Irving Kristol. Bloom writes: "One of the motivations Kristol said, came from Dan's experience on the Commission for the Study of Automation, when he discovered that most of what was being written was absolute nonsense. I discovered...that we had very little solid, good information available to us about social and economic problems." Though it certainly has a neoconservative bent, *The Public Interest* continues to think hard about what works and what doesn't, especially in the realm of social programs. Devotion to "solid, good information" has led it to some positions, like endorsing the Head Start program and opposing the Gramm-Rudman law, that it would be hard to picture, say, *The Wall Street Journal* editorial page taking. But *The Public Interest* does not occupy the red-hot center of the neoconservative magazine world. Kristol's reputation in recent years has been made more by the writing he does in an entirely different spirit, in which he baldly asserts, just to shake 'em up, that universities are left-dominated, or that a war would be morally good for America.

In a few cases one or another New York intellectual would produce, in effect, a super op-ed piece that is still being read—Rahv's "Paleface and Redskin" in the thirties, which divided American literature into wild and civilized camps in a way that still seems fresh, or Bell's "The End of Ideology" in the fifties, which stated the consensus spirit of the times so well it helped produce the reaction that destroyed it. On the whole, though, Bloom's book makes it clear that the work whose appeal was purely that it was the new intellectual twist of the moment fades (try rereading *Growing Up Absurd*). What lasts is work in which the author has assembled some body of fresh material, thought hard about it, and recreated it on the page through a sustained effort—*Beyond the Melting Pot*, *Herzog*, or *The Age of Reform*. The work whose aim is not to attempt this kind of true invention but instead to answer that classic New York question, "What's your take on such-and-such?," at best has a very short half-life, and at worst is just prejudice gussied up as intellection. In miniature, the difference can be clearly seen in Podhoretz's new book of essays, *The Bloody Crossroads*, where the literary essays based on a careful rereading of the text are truly stimulating and not always doctrinaire (he says that Solzenhitsyn, that great neoconservative hero, is a not-great novelist), but a political essay on the "new class" is familiar, unsubtle, and not likely to convince anyone who doesn't already agree. The New York intellectuals may be unrevivable as an ethnic group, but as writers who want to excite and challenge readers, their best hope is to marry their brainpower to some greater degree of direct knowledge of the world.

Overcoming barriers

If the intellectuals' loss of something important in their writing can be used to prove that there is a bad side to assimilation, on the whole their story shows that assimilation is both possible and desirable. Any shred of fondness that the New York intellectuals harbor for the old ghetto days, or even for the journey out, is purely retrospective. It was a journey whose destination was by far its most pleasant point.

For most of the period recounted in *Prodigal Sons*, the New York intellectuals, while anything but denatured Jews, were ashamed of being Jewish. They lived in families of hectoring mothers and worn, defeated fathers, to whom they were embarrassed to introduce their non-

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Jewish friends. Several changed their names to something that sounded less foreign, which really meant less Jewish. At a time when American society was almost unimaginably more openly anti-Semitic than it is today, their background was something to deny. Lionel Trilling, who began his literary career as a writer for *Menorah Journal* (Podhoretz, just a generation younger, was writing for *The New Yorker* at a similar stage in his life), wrote, "I cannot discover anything in my professional intellectual life which I can significantly trace back to my Jewish birth and rearing. I do not think of myself as a 'Jewish writer.' " It would have seemed, even into the fifties, that this kind of denial was the only avenue for a Jew really to succeed in the non-Jewish world, since being both proudly, openly Jewish and fully accepted appeared impossible.

In denial of ethnicity, though, there is a strong element of denial of self, which is why we've grown accustomed to using the term "self-hatred" to describe it. It seems to be a practically unavoidable step on the road out of the ghetto. Its manifestations include trying to rid oneself of the distinguishing characteristics of one's group (skin-lightening cream is a big seller in the ghettos today) while adopting the worst qualities of the majority: joining in others' prejudices against one's own people, refusing to participate in ethnic do-good causes, and who knows what private agonies. To feel that one doesn't belong and never will is extremely painful. For the New York intellectuals the period of self-hatred was unusually gruesome because it coincided with the Holocaust, which many of them were reluctant to speak too loudly about.

Today, the New York intellectual family seems entirely comfortable with both its Jewishness and its central position in American society; and non-Jews have reacted to the increasing power and visibility of Jews by becoming *less* anti-Semitic. The deep conviction of the most successful Jews of a generation ago (Walter Lippmann, Robert Moses) that the WASP establishment's condemnation of "most Jews" was justified is mind-boggling today, in part because it's so obviously an internalization of racism. That this is so plain to see now shows how open the prejudice was then.

The relevance of this today is to blacks, who are in the painful mid-assimilation period that Jews (and Poles, and Italians, and Irish) have passed through. Times have changed; in public, at least, there is very little of the old ethic of the more successful members of the group condemning the rest. Instead there's a more complicated phenomenon. Black America is deeply split right now between an employed, two-parent family class that is closing the gap with whites, and a welfare-dependent, one-parent family class still mired in the ghettos—hopelessly, it would seem. For the black middle class, as it did for most other middle class ethnic groups, assimilation pulls like a tide: it *will* happen. But that doesn't mean that it's a painless process, or that the clammy call of self-hatred isn't felt. It is, thankfully, unthinkable today that the black middle class would respond to this call in the old Walter Lippmann-Robert Moses manner, by publicly attacking the underclasses (though in private it's often a different story). Instead, the black middle class takes almost exactly the opposite tack, saying that assimilation, which it is going through with some unhappiness and which the underclass is not going through at all, is impossible and undesirable anyway.

In policy terms, this means that middle class blacks, while leaving the ghettos in droves, often say that the solution for the underclass is "community development" *in the ghettos*—that is, non-assimilation. Community development has a mom-and-apple-pie appeal. It sounds great just as a phrase. It appeals to the white left as a beau ideal for all under-developed societies, and to ghetto leaders who don't like hearing that they are presiding over a "tangle of pathology." Community development seems to be a way of completely bypassing the pain of self-hatred by never having to deal with white people at all; it is also, significantly, tremendously appealing to the white right, which doesn't want an integrated society.

But when has the community development model, in which a desperately poor ghetto suddenly bloomed, ever worked in this country? What has healed the ghettos, over and over, is outmigration into the fluid American mainstream. The black middle class will, though uncomfortably, finish this journey over time; meanwhile, it ought to get over the feeling that assimilation inevitably means selling out one's best self and one's own people. Many examples from all ethnic groups show that it doesn't have to be that way at all. Only when that psychological barrier is overcome will the black middle class realize how disastrous is the possibility that the underclass won't assimilate at all. Taking non-assimilation as the model in the ghettos would be a disaster. We should remind ourselves that, as impossible as getting out of the ghettos looks today and as painful as the process of leaving can be, it was always that way, and the barriers were always overcome. ■

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POLITICAL BOOKNOTES

Trading Secrets: Seduction and Scandal at The Wall Street Journal. R. Foster Winans. *St. Martin's Press, $17.95.* Wyja do it, Foster? To your eternal credit you did not spend much time in your recently published *mea culpa* making excuses; as a result, what could have been a whiney apologia turns out to be a surprisingly good read, with genuine insight into the world of both *The Wall Street Journal* and Wall Street itself.

Yet this generally worthy approach does have one crucial drawback: one finishes *Trading Secrets* scratching one's head over your ultimate motivation. Why were you willing to sell your soul as a journalist by leaking advance word of the subjects of your daily column? Why did you think the possibility of ruining your career was a risk worth taking?

Oh sure, you trot out half a dozen rationales. You mention that you felt underpaid as one of the two authors of the *Journal*'s influential "Heard on the Street" column—particularly in comparison to your stock broker sources. But you know that's no excuse, and you admit as much; lots of middle class people spend their lives around the rich without succumbing to temptation. Besides, selling out never made you more than peanuts. You mention that you didn't think what you were doing was strictly illegal. (So far two courts have disagreed.) But that doesn't cut it either: "I knew," you are quick to add, "that what I was doing was technically unethical for a journalist." You say that you didn't think you would get caught, but that's just plain dumb. *The Wall Street Journal*'s chief market writer didn't realize that the stock exchanges would quickly spot what was going on? You even claim that the man who persuaded you to leak the column—so he could trade the stock you were about to praise or damn—had a magnetic personality. But that doesn't wash either; one can't read your book without getting the feeling that you were always uncomfortable in his presence, as if your better self was trying to tell you something.

My own sense is that you did it because your values were gradually eroded in the amoral investment banking culture that now dominates Wall Street. You're not alone, of course; what's most pathetic about all those 28-year-old millionaires running around Wall Street is that so few of them have any values. The stock market is not the engine of capitalism to them (or to you), but a game, like the race track. Insider trading—on a far worse scale than anything you ever did—goes on all the time, so what's the big deal? People want to get rich simply for the sake of getting rich. When your stock broker friend pulls up in his limo and says to you, "This is part of what making and having money means to me. . . . Being rich means I don't have to ride in cars with other people," you don't flinch. A few years before, you might have. It's not so much that you have all these things you want to buy; it's simply that in this world of ostentation, you feel like a chump pulling down 22 grand. That's what is so sad about your story, and also so instructive. That's why *Trading Secrets* is a morality play for the investment banking age.

—*Joseph Nocera*

Judicial Jeopardy: Where Business Collides with the Courts. Richard Neely. *Addison-Wesley, $19.95.* Judge Richard Neely confirms the corporate general counsel's worst nightmare: in courtrooms across the land, bullies in black robes eagerly slam big business with costly suits brought by whining consumers and malingering workers. The law provides little protection because judges consider statutes and precedents old hat. Political and economic hunches—or worse, petty prejudices—shape important decisions. Afterwards, pointy-headed law clerks fresh from Ivy League campuses are unleashed to "cut and paste the appropriate legal principles necessary to justify the result."

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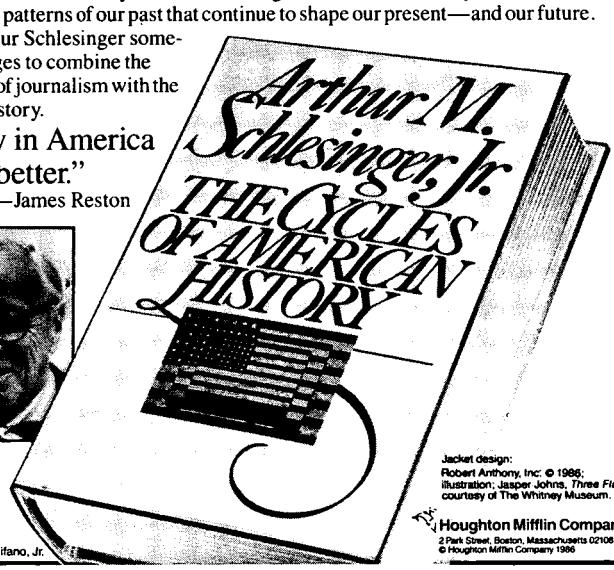

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Neely, a respected member of the West Virginia Supreme Court, calls *Judicial Jeopardy* a "practical strategy" for how business can fight back. He must have envisioned a battle plan for readers with little interest in balance or complicated analysis. The judge doesn't say the boys in the boardroom are always right, but in this book anyone who opposes them looks dishonest or villainous. Neely's one-sided anecdotes about corporate litigants would make a Chamber of Commerce propagandist blush.

The judge never explains why he addresses his subject in such a narrow-minded fashion. He also fails to acknowledge that he only covers problems involving business being attacked by hostile outsiders, such as personal injury plaintiffs. He ignores the huge majority of commercial litigation in which companies use the courts to clobber each other.

Neely doesn't even deliver on his basic promise. Most of the book's tips range from vague to obvious. One example: "To a practicing businessperson the crucial point is that individual judges and their young clerks have a tremendous effect on the decisions they write." What an executive would do with this kind of revelation is a mystery.

Other advice gets clouded by contradiction. Neely repeatedly urges business to save money and prevent adverse precedents by settling cases out of court. But he recommends "fighting frivolous litigation as long and as hard as possible." He doesn't so much as hint as to when to surrender and when to circle the wagons.

By scrupulously avoiding ethical questions, Neely overlooks the possibility that by doing good, business might also do well. On the issue of settling rather than slugging it out in the courts, one criterion a product liability defendant might use is whether the company had hurt innocent people. The A.H. Robins Co., for example, probably could have limited its own damage from the Dalkon Shield contraceptive fiasco if it had responded responsibly to early complaints from consumers, compensated women who had suffered, and eliminated the product.

Unflattering generalizations about judicial character litter the book. Neely describes an intellectually undistinguished profession which cynically disguises political choices as legal principle. Despite the mounds of unsupported hype, however, the foundation for a cogent argument actually begins to emerge here.

In the 1930s, academic critics known as legal realists first unmasked the fiction that judges could scientifically deduce the law and passively apply it. The realist description of judges' ability to manipulate statute and precedent to serve personal agendas still makes many people uncomfortable. But realism has seeped deep into the legal establishment. Lawyers routinely ask courts to ignore legal technicalities in favor of social concerns; judges, meanwhile, manufacture elaborate theories of good "public policy" to justify decisions.

Neely urges business to capitalize on the realist insight by feeding judges more sophisticated policy arguments: forget the abstract rigamarole, just explain how many jobs will be lost and families uprooted if the company loses

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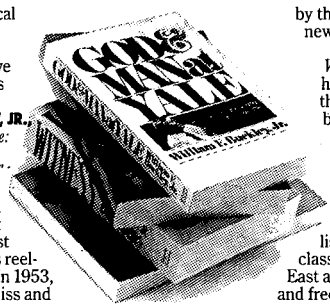

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money and closes plants. Neely doesn't develop the idea much further than that, but he alludes to the creation of a more candid legal vocabulary for dealing with economic issues. Others, however, have written with more clarity about this transformation and how its early stages have already benefited litigants who learn the new language.

Unfortunately, in his zeal to prove that traditional legal arguments frequently don't satisfy courts, Neely equates convincing briefs with extra-legal junkets. He recommends that companies lobby judges exactly as they do legislators: invite them to pseudo-academic conferences which appear even-handed but inevitably lead to the conclusions the corporate sponsors desire. Neely goes to the ludicrous extreme of plugging a favorite resort for such shmoozing. Judges can bring their spouses and enjoy "two lavish meals a day" for only $20 extra.

Every person may have his price, but do judges really come as cheaply as Neely implies? Most sophisticated executives would probably think not and will look elsewhere for advice on how to maneuver more effectively in court.

—*Paul M. Barrett*

The Type E Woman. Harriet B. Braiker, Ph.D. *Dodd, Mead, $16.95*. **Enough is Enough**. Carol Orsborn. *Putnam, $15.95*. Harriet Braiker and Carol Orsborn are two feminists who have worn themselves out trying to make it in a man's world the man's way. Braiker, a social and clinical psychologist, analyzes the "Type E" woman who needs to learn how to stop being Everything to Everybody. Orsborn, founder of Superwomen Anonymous, tells how being everything to everybody brought her to write what she says is the smart woman's theme song of the Eighties: Enough is Enough.

Braiker has a catchy idea, suggesting that the "Type E" woman runs risks similar to those of the "Type A" man. Such a comparison is clever but unsubstantiated. The "Type A" man emerged from a formal study of healthy men who revealed behavioral traits that showed them to be prone to heart disease. The "Type E" woman emerges from the author's informal research as she draws on her own personal experiences and those of other women she has interviewed.

The Type E Woman is pop psychology, but it rings distant bells of intuitive truth. Braiker draws a disturbing portrait of a woman who imitates the "Type A" male behavior, and who makes double trouble for herself when she adds to that agenda all the traditional female attitudes about what makes a good daughter, wife, and mother.

Braiker tells how the "Type E" woman, by taking on too much, becomes vulnerable to a constellation of mental and physical problems, as well as internalized, unresolvable emotional conflicts.

In her love life she is trapped by an inability to exhibit any kind of dependency on anyone else. She treats her boyfriend, lover, or husband like her job, and is especially vulnerable to the kind of man who will tell her "how 'refreshing' it is to find a woman who can really take care of herself." She feels expressing needs that smack even remotely of dependency will result in painful rejection or reproach. But there's a Catch-22 here: the man who finds her so "refreshing" is likely to leave her eventually for a less refreshing woman who needs him more.

"Type E" women are bombarded by stress, she says, and have begun to suffer from an increasing number of ailments that busy, successful, overworked men have long endured: ulcers, drug and alcohol abuse, depression, sexual dysfunction, headaches, allergies, and recurrent viral infections.

Braiker has developed pop quizzes for the working woman who wants to learn if she qualifies as a "Type E," such as whether she resents the demands that so many people make on her, or whether she can afford to spend 15 minutes just doing nothing. But most women can identify themselves without having to answer silly questions. Braiker prescribes exercises to teach a woman how to say "No," in a context not usually taught by

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Mother. She also suggests "refoxing" exercises such as buying new clothes or getting a new hair cut, which most "Type E" women would know from reading *Vogue*. You almost have to be a "Type E" to want to endure her 21-day "mental workout."

If a woman really wants to change her behavior, Carol Orsborn has tougher advice. She and her husband sold their big house with the big mortgage and stopped buying expensive clothes, cars, and food. She reduced the size of her public relations office staff and cut sharply the number of hours she spent there. She got to know her children more intimately with quantity time as well as that celebrated "quality time."

The problem with Orsborn's book, however, is that it is laced with psychological jargon (she "journals" and "shares" with cloying regularity) and glitters with Marin County optimism. When she gives up kiwi fruit, she considers it a sacrifice. She naively envisions an evolving society for men and women which will be a "greenhouse for creativity, compassion, and the kind of vulnerability that reflects an understanding of what it means to be truly powerful."

Yet more than 2,000 women have joined Superwomen Anonymous. Like Braiker, Orsborn has touched a nerve. These two women don't have the answer, but they surely know the problem.

—*Suzanne Fields*

Cadillac Desert: The American West and Its Disappearing Water. Marc Reisner. *Viking, $22.95*. Until the last few years, the settlement of the arid western United States has characteristically been expressed in language usually reserved for heroic myths; *Cadillac Desert* is the latest and unquestionably the best of a recent outpouring of works that offer a sharply revisionist perspective.

According to the new generation of analysts, western water development, promoted largely by federal subsidy, has been an almost unmitigated disaster from nearly every standpoint. Yet the political coalitions behind federal water projects have proved very difficult to dislodge, as nearly every chief federal budget officer in the last 40 years has discovered. Though water project porkbarreling is found throughout the United States, in the West, maintaining the flow of federal dollars for water projects overshadows more weighty concerns and obliterates conventional political differences.

Cadillac Desert is for the most part the story of the chief purveyor of these projects, the Bureau of Reclamation, which was created during Teddy Roosevelt's administration to "reclaim" and settle the arid lands of the West with family farmers. Over the years, the agency, with Capitol Hill committees and local constituent groups, together built one of the sturdiest iron triangles ever seen. Beginning with the Hoover Dam in the early 1930s, projects were authorized and built at an ever-increasing pace by methods that paid more attention to politics than economics and engineering. The gradual clouding of a bureaucracy's once-noble vision by a concern for self-perpetuation led ultimately to senseless competition among government agencies for the opportunity to build projects. The Bureau and the Corps of Engineers, for instance, squared off over who would control the Missouri River and the rivers of California's Central Valley.

Water project reform advocates are now making headway in government. Politicians like Dick Lamm are calling for a more economically and environmentally sensitive policy. (Cynics might note that Lamm's turnabout came only at the end of twelve years in office.) But the Bureau and its allies still have life and, as Reisner points out, some still dream of reviving plans for the biggest project of all—diverting the Yukon to the desert Southwest through a mind-boggling array of engineering works.

Reisner's 500 pages never bog down, for his writing is entertaining without being superficial. There's some violence, loss of life, and even a hint of sex to remind us that these projects were fashioned by men, not machines. Reisner is also not afraid to draw fresh

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judgments, even among revisionists. Floyd Dominy, for example, has usually been regarded as a leading contributor to the Bureau's golden age, but *Cadillac Desert* effectively demonstrates that his obstinate refusal to take seriously the growing challenge of environmentalists did much to bring that age to an end.

We have successfully built a civilization in an arid region. But the price is proving to be much higher than we thought—and we are just beginning to pay it.

—*John D. Leshy*

The Juror and the General. Patricia Roth. *William Morrow, $17.95.* I have a suggestion for law school curriculum committees—construct a new course devoted to comparing this book with the one Renata Adler is doing based on her articles in the *New Yorker* on the Westmoreland trial. Where Adler devastatingly describes the errors of CBS, Roth sees who is lying on the general's side and sympathizes with the military men who are reluctantly testifying against him. Adler's book is a testimony to the virtue of carefully reading a court record in the quiet of the study, Roth's to the human nuances you miss if you aren't there in person. Adler convincingly demonstrates that CBS never came close to proving that Westmoreland had conspired to keep the truth from Lyndon Johnson—which was the issue on which the judge told the jury the case should turn— but Roth makes it clear that there was a conspiracy to hide the truth from the American public. If the case had come to judgment, I think the general should have won, but have been given only a dollar in damages.

Incidentally, we all agree that Dan Burt, Westmoreland's main attorney, should be studied by every young lawyer as an example of what not to do when trying a case. Few trial attorneys in history have blown one so completely.

—*Charles Peters*

BOOKSTORES & NEWSSTANDS

Don't be surprised to find more and more people asking for *The Washington Monthly*. Avoid being caught empty-handed. Call Tim Ruder at (202) 462-0128.

The Search for Government Efficiency; From Hubris to Helplessness. George W. Downs, Patrick D. Larkey. *Temple University Press, $27.95.* Writers whose lot it is to review books on government bureaucracy get awfully damned tired of political science professors and their jargonized, quantified, and rarified cures for what ails government. It is a joy, therefore, to report on a book written by that breed with wit, clarity, and insight; one that quotes with equal reverence the words of Yogi Berra, George Burns, Mary Poppins, and Calvin Coolidge.

The most discomforting thing about being a critic of the bureacracy is the company in which one finds oneself, notably the businessman who, convinced that the government machinery is operated by people whose IQ is just above dribbling, comes to Washington armed with some hackneyed maxims to set things straight. Every once in a while it's a good idea to put into perspective the notion that the private sector operates on a rational basis and ask, for example, how come the chief executive of International Harvester was reaping $600,000 a year while steering the corporation down the road to bankruptcy? Downs and Larkey note that the decisions of some of our industrial leaders make the Defense Department's $600 toilet seats look like the buy of the century. "For every one of the seemingly countless number of executives profiled in the pages of *Business Week*, *Fortune*, and *Forbes* who save a corporation by 'hard-driving,' 'far-sighted,' 'fat-trimming,' management," they observe, "there was a corporation that needed saving."

But their particular bete noir is the report of the Grace Commission—"the archetype of the ineffectual, uninformed reform initiative that would bring business methods to government." The commission's report, which stands 10 feet high (47 unindexed volumes), contains 2,478 "cost-cutting" or "revenue-enhancing" recommendations to save $424 billion in three years. Two thousand people reportedly worked on the survey, their work overseen by a 161-person executive committee, mostly chief executive officers. J. Peter Grace, chairman of W.R. Grace Company, has since made a second career of promoting the report by making speeches and television appearances, and providing boilerplate copy for newspaper editorials.

Many fewer people will read the devastating—and well-justified—critique of the Grace Commission's report in this book. If the Commission hadn't worked from the assumption that the bureaucracy is managed by fools, some of Downs's and Larkey's thrusts might seem a bit harsh. They note that more than 60 of the corporations contributing to the report were themselves below the median in performance (measured by a five-year return on equity) in their own industries, and ask by what logic managers of the Continental Illinois Corporation—recipient of a $4.5 billion federal bailout to avert bankruptcy caused by disastrous management practices—think they are in a position to advise the U.S. Treasury Department.

The point is not that government is efficient—it is not—but that the cure for its inefficiency does not lie in hyped-up nostrums from the business world. Anyone familiar with the workings of the federal government has seen these highly publicized imports from the private sector—the Planning-Programming-Budgeting System (PPBS) in the Kennedy and Johnson years, Management By Objective (MBO) under Nixon, Zero-Based Budgeting (ZBB) in the Carter administration—come in with great fanfare and quietly wither away.

There are myriad reforms that can help reduce inefficiency in the bureaucracy, but before they can be seriously undertaken, we must rid ourselves of the notion that business has the solution that, like some wonderful antibiotic, can cure the ills of government.

—*Leonard Reed*

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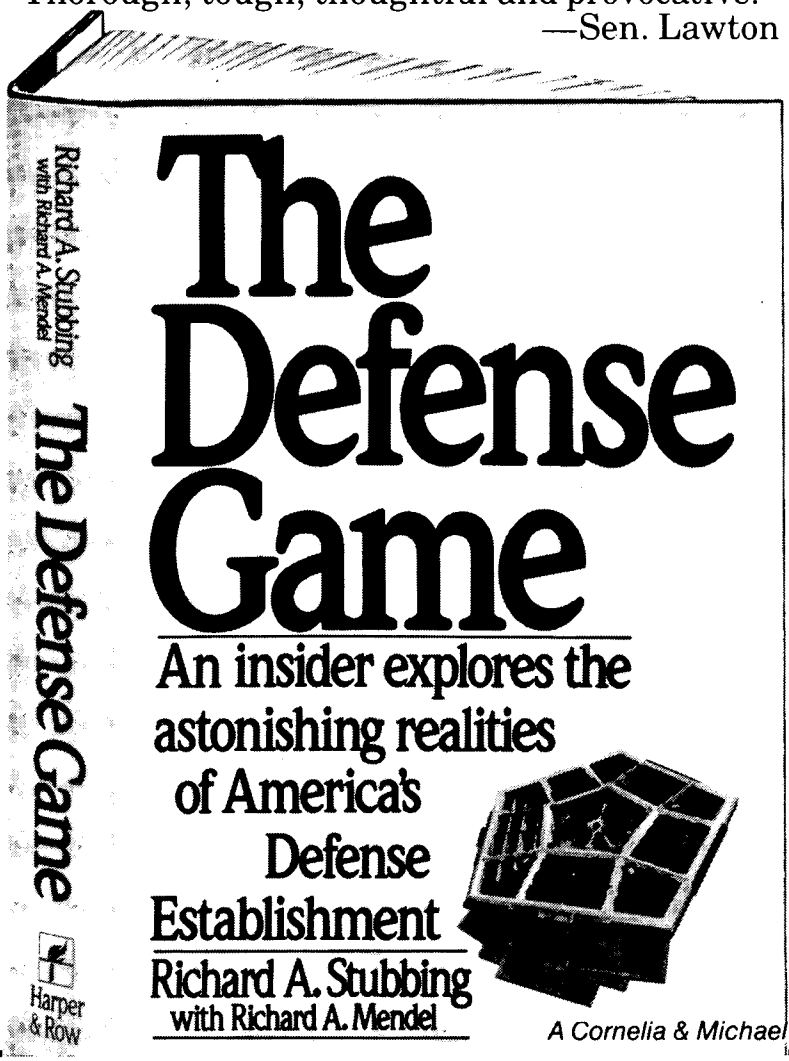

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